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Law of the Sea Country Study

U.S.S.R.

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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED] involved. Part II provides basic data and information bearing on law of the sea matters.

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CONTENTS

Part I - Law of the Sea Analysis

Summary	1
Factors Influencing LOS Policy	2
Law of the Sea Policy	7
Key Policy Makers, LOS Negotiators and Advisers	24

Part II - Background Information

Basic Data	46
Conventions	48
Present Ocean Claims	52
Action on Significant UN Resolutions	56
Membership in Organizations Related to LOS Interests	57

ANNEX

UN LOS draft articles submitted by U.S.S.R.
Maps: U.S.S.R. Marine Limits
Theoretical Division of the World Seabed

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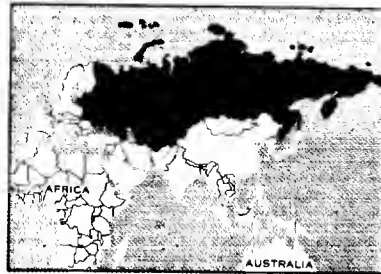
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Part I -- Law of the Sea Analysis

A. SUMMARY (U)

The U.S.S.R. has played an active role in support of conservative Law of the Sea (LOS) proposals. As a major maritime power, it benefits from use of the existing international order on the high seas and has tended to try to contain proposals for change. When this has proven difficult or impossible, it has acquiesced slowly and cautiously, relenting only to the extent necessary.



While taking new and more liberal stances on various LOS issues at Caracas, apparently in a desire to display political accommodation with the developing countries, Soviet delegates persistently tied the acceptance of any given proposal to general acceptance of a wide spectrum of proposals in which the U.S.S.R. has an interest. Thus its acceptance of an economic zone is conditioned by international acceptance of Soviet-approved proposals on such matters as the breadth of the territorial sea and freedom of passage through international straits.

The U.S.S.R. advocates 12 miles* as the maximum limit for the territorial sea; the right of a coastal state to create a contiguous zone, provided the zone does not extend beyond 12 miles from the baseline used to delineate the territorial sea; and the general acceptance of special conditions in the decreed Soviet sector of the Arctic. The U.S.S.R. demands freedom of navigation for all ships through straits that connect one part of the high seas with another; nonsuspendible innocent passage for all ships through straits used for international navigation between the high seas and the territorial seas of one or more nations; and the recognition that the legal regime of certain straits is regulated by international agreement. The U.S.S.R. maintains that the regime in archipelagic waters should be considered in conjunction with such related issues as the breadth of the territorial sea and transit through straits.

* Distances and areas throughout this study are in nautical miles unless specified otherwise.

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The U.S.S.R. in 1974 indicated willingness to delimit the continental shelf by use of either a 500-meter or a 200-mile formula. It has also proposed the creation of 200-mile economic zones, giving coastal states sovereign rights over all the natural resources in the zone, conditional upon acceptance of Soviet proposals on the basic questions of the law of the sea.

The Soviet proposal on the exploration and exploitation of the deep seabed envisions peaceful, equitable, and rational development under the supervision of an international authority, limited in scope and designed to promote cooperation among member states. The competence of this organization would be restricted to questions concerning the exploitation of seabed resources beyond the limits of coastal state jurisdiction. It would be empowered, however, to contain the influence of private or international organizations.

At Caracas the U.S.S.R. indicated preference for a convention that would guarantee the right of coastal states to take measures to protect their territorial waters from pollution and to allocate responsibility for violations. It also indicated that it did not favor proposals to give states "full legal jurisdiction over the 200-mile zone off their coast," apparently in the belief that this could be detrimental to fishing and international navigation.

The U.S.S.R. supports freedom of research in all ocean space with the exception of internal and territorial waters and the bed and subsoil of the continental shelf, which is considered to be under the jurisdiction of the coastal state.

B. FACTORS INFLUENCING LOS POLICY (S/NFD)

Special Geographic Features

Soviet LOS policies reflect the nation's geographical environment. The country occupies the most extensive and continuous landmass in the world, spanning 170° of longitude across the northern part of the Eurasian continent. So vast is the area that the U.S.S.R. deemed it necessary to develop portions of the Black Sea, the Baltic Sea, and water bodies situated along the Arctic and Pacific coasts of the country as independent maritime areas, each with its own merchant and naval fleets and port system.

The severe weather along much of the U.S.S.R. coastline has restricted settlement, handicapped economic development, and complicated port operations almost everywhere, other than along the Murmansk coast. While the ice factor bears most heavily on operations in the Arctic and in the Far East, it also restricts activities in the Baltic and Black Seas. Some Baltic ports may be closed for as

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much as three months, and in the Black Sea icebreakers may be necessary to keep certain ports and their approaches clear during the mid-December-mid-March period.

Soviet concern about freedom of passage through international straits and freedom of the high seas unquestionably stems from the geographical position of ports located on the Black, Baltic, Barents, and White Seas. The bulk of Soviet maritime trade passes through these ports, all of which are so situated that to reach the high seas from them Soviet vessels must traverse waters that may be either controlled or monitored by others. This is not as much of a problem in the Far East, where the U.S.S.R. is in command of major straits leading to the Pacific.

Uses of the Sea

Mineral Resources -- Much of the country's extensive continental shelf appears to be structurally favorable for the accumulation of petroleum and natural gas. To date, however, exploration for underwater hydrocarbons has been limited primarily to the Caspian Sea, where test drilling dates back to the early 1920s and production to the late 1940s. Known general geological conditions suggest that significant oil and gas accumulations may exist on the shelf of the Arctic and the Far East coasts, particularly in the vicinity of northern Sakhalin, where survey work is now underway. Nevertheless, the exploration of underwater hydrocarbon resources in the U.S.S.R. remains centered in the Caspian, where output approximated 12 million tons in 1972.

Despite ample supplies of land-based mineral resources, the U.S.S.R. anticipates full involvement in nodule extraction from the deep seabeds. In 1971 a Marine Exploration Division was set up in the Ministry of Geology to coordinate undersea mining and to assess the extent of continental shelf mineral resources. The assessment involved the study of placer gold, rutile, ilmenite, and tin deposits in the Baltic Sea; magnetite and titanomagnetite deposits in the Black Sea; various ores in the Sea of Azov; tin ores in the seas of the Arctic; and titanomagnetite sands near the shores of the Kurile Islands. Soviet extraction of phosphate deposits from the shelf of the Sea of Japan and tin from the bottom of Vankina Bay along the shore of the Laptev Sea also have been mentioned. Soviet oceanographic vessels have investigated nodule distribution in wide sectors of the Pacific and Indian Oceans, and there have been open statements in the press concerning the need to develop extraction equipment. The Soviet intent to move ahead in this field was further signaled early last year (1974) when the construction of a metallurgical complex, designed to process materials of marine origin, was announced in Primorskiy Kray.

- 3 -

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Living Resources -- The U.S.S.R. began to develop its distant-water fishing capabilities at the end of World War II. Now, three decades later, the Soviet fishing fleet, numbering some 4,400 vessels and accounting for at least 54% of the fishing fleet tonnage of the world, plies the major fishing beds of the globe to take about 13% of the world catch annually. Production in 1973 amounted to about 9 million metric tons, and it may reach 10 million metric tons in 1975. Underlying this development is the need for additional protein foods in the U.S.S.R., where fish products provide some one-third of the animal protein consumed and about 15% of all the protein available in the Soviet diet.

The creation of a 200-mile economic zone could affect a large part of the Soviet fishing fleet, since about half of the 1973 catch was taken within the 200-mile limit of foreign nations. In an effort to forestall losses, the U.S.S.R. has fostered extensive foreign assistance and joint development programs. In October 1973 it was reported that the U.S.S.R. had granted since 1958 over \$113 million in fisheries aid to 22 countries, 14 of which border the Indian Ocean. More recently, emphasis has been channeled to the formation of joint companies -- in Europe, North America, and South Asia -- in an effort to assure that the U.S.S.R. will continue to take a substantial portion of the total world catch.

Naval and Maritime Activity -- By virtue of its powerful fleets, the U.S.S.R. ranks as one of the leading maritime nations of the world. Prior to 1964, ships of the Soviet Navy rarely ventured outside their home waters, but since then they have been regularly deployed throughout the world ocean, as have those of the merchant marine. The Soviet Navy has been substantially strengthened by a systematic construction program. Currently, emphasis is being placed on the construction of guided missile cruisers, frigates, destroyers, and patrol boats; mine warfare ships; logistic support ships; nuclear-powered ballistic missile and cruise missile submarines; and an aircraft carrier to serve vertical or short-take-off and landing aircraft and helicopters.

The growth of the merchant marine has also been substantial, the total number of ships increasing from less than 450 in 1950 to more than 1,500 today. During the current Five-Year Plan (1971-75) some 550 new ships, totaling 5.3 million dead weight tons (dwt), were to be added; as of early 1975, however, it seems unlikely that construction goals will be reached. Planned additions included several container ships, ore carriers, the first oil and ore carrier, tankers, and the passenger ship Belorussiya. The first Soviet supertanker, the 150,000-ton Krym, is expected to go into operation shortly, and plans for even larger tankers are now being laid. The U.S.S.R. appears determined to move its seaborne tonnage, to

- 4 -

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the degree possible, in Soviet bottoms, thereby conserving foreign exchange. In 1973, for example, Soviet ships accounted for 91% of U.S.S.R. maritime freight turnover, while completing about 27,000 voyages to ports situated in more than 100 states.

Oceanological Activity -- Soviet oceanological research efforts, geographically widespread and diverse, are supported by the world's largest oceanographic fleet. Comprised of 265 ships in 1973, this fleet is variously subordinated to naval, civil, and fishing services, where it satisfies a wide spectrum of priority requirements, military and otherwise. The 24th Party Congress directives provided guidance for the expansion of scientific research into the use of maritime resources and for survey and reconnaissance work in the shelf zones, all of which was then detailed in the specifics of the current Five-Year Plan (1971-75).

Significant attention is focused on the survey of resources and the development of plans for their exploitation. Geological studies have been and continue to be made in several of the bordering seas, particularly the Black, Chukchi, Bering, and the Sea of Okhotsk. Major efforts are also being made to support the marine fishing industry, to study marine flora and fauna, and to develop a practical maritime food protein technology. Other major efforts include an underwater detection program; the study of internal waves, turbulence, and hydro-optics; synoptic studies of large ocean and sea areas; seismic studies in the Indian and Pacific Oceans; and a wide gamut of oceanographic studies, which have included the study of nodules on the deep seabeds of the Pacific and Indian Oceans.

While a large part of the Soviet oceanologic research program has been pursued independently, the U.S.S.R. is a participating member of most of the prominent international oceanographic organizations. In recent years one of the most significant developments has been the increased Soviet interest in cooperative surveys, international projects, and the foreign exchange of data. Agreements of this type have brought Soviet scientists into cooperative work with their counterparts in the United States and in a number of other countries. Their decision to participate in the Joint Oceanographic Institutions for Deep Earth Sampling (JOIDES) project with five U.S. research institutes is noteworthy. No less significant, however, are agreements with smaller nations that are designed to provide for studies of the waters of the North Atlantic, Southeast Pacific, and the Indian Ocean.

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Political and Other Factors

The U.S.S.R., a member of the "Group of Five" (a group of technologically developed nations that also includes the United States, Japan, the United Kingdom, and France), is a decidedly conservative, but not inflexible, force in LOS circles. It has generally stood to defend traditional concepts of freedom on the high seas, and it has consistently advocated the containment of coastal state authority. Soviet speakers early in the negotiations seemed particularly suspicious of proposals dealing with the establishment of an international authority, it being, in their minds at least, potentially fraught with complications.

Thus while championing the cause of the small, the underdeveloped, and the landlocked states, the Soviet Union has at the same time energetically sought to maintain the advantages that naturally accrue to it as a major world power. As one competent source has stated, "More than most nations, the Soviet Union stands to lose by the emergence of a new ocean legal order which would replace high seas freedoms with control by either coastal states or an independent ocean authority." This same observer sees the Soviet effort as an attempt to guarantee its use of the ocean by:

- proposing new rules of international law that would protect freedoms of the high seas, and
- opposing or modifying proposals that would put the oceans under the control of coastal states or an international authority.

Underlying U.S.S.R. LOS policy is a fundamental concern for the security of certain strategic seas and straits through which its various fleets must pass in order to reach the high seas. In this sense particular importance is placed on the Barents and Norwegian Seas, the Danish Straits, and the Bosphorus and the Dardanelles. The U.S.S.R. has been and continues to be sensitive to any proposals, direct or indirect, that might threaten the status quo of these or similar bodies of water. This concern is also reflected in official Soviet attitudes toward measures that might endanger the normal flow of international traffic anywhere else on or near the world ocean.

SECRET

C. LAW OF THE SEA POLICY (S/NFD)

Territorial Sea

The U.S.S.R. has continuously supported the concept of the 12-mile territorial sea. This position has evolved out of policies that had their origin in Tsarist times. A decree of 10 December 1909 established a 12-mile customs belt, and on 29 May 1911, a 12-mile limit was established along the Pacific coast to regulate fishing. Soviet authorities built on this base in 1921 to establish a 12-mile fishing zone in the Arctic Ocean and the White Sea, and in 1927 they established the state boundary at the outer limits of the 12-mile zone. The 1960 statute on the state boundary reiterated earlier Soviet claims in more specific terms -- the 12-mile territorial sea being calculated from the line of lowest ebbside on the mainland and around islands or from the line of the farthest extremity of internal sea waters.

The U.S.S.R. considers those gulfs, bays, inlets, and coastal lakes whose seaward openings do not exceed 24 miles in width as internal waters. At various times certain historic bays or claimed seas, including the Caspian Sea, the Sea of Azov, the Gulf of Riga, the White Sea, Cheshskaya Guba (gulf), the Kara Sea, Laptev Sea, East Siberian Sea, Chukchi Sea, Chaunskaya Guba, the Sea of Okhotsk, and Zaliv Petra Velikogo (Peter the Great Bay) also have been designated internal waters. These waters have not been discussed specifically in these terms during the LOS negotiations, and it may be that the Soviet stand on closed or historic water bodies -- except possibly for the Sea of Okhotsk and Peter the Great Bay -- has shifted. The status of the former remains indefinite, thus contributing to the complication of Soviet-Japanese maritime relations, but the latter -- providing the approach to Vladivostok -- is still zealously administered as an internal body of water.

The U.S.S.R. has concluded agreements on offshore boundaries with most of its neighbors, in some cases having adjusted its policy on territorial waters to accommodate specific situations or conditions. Under the terms of the 1940 peace treaty with Finland a 3-mile limit was established to the north of Sursari Island in order to secure freedom of passage for vessels sailing in that area. The division of the territorial waters on the Gulf of Finland was accomplished by agreements concluded with Finland in May 1966 and May 1967. A protocol between the U.S.S.R. and Poland, reached in 1958, delimited Soviet territorial waters in the Gulf of Gdansk. Similar agreements were reached with Norway in February 1957 and with Turkey in April 1963. Median lines form the boundaries between territorial waters in the strait between Hokkaido and the southernmost part of the Kurile Islands and in the Bering Strait. A special

30-mile zone was established around the Komandorskiye Ostrova (islands) in January 1970, and at the same time shipping was banned from the area in an effort to protect the dwindling herds of Pacific seals and Kamchatka beavers. In the Caspian Sea, an arbitrary line between the eastern and western termini of the Soviet land boundary separates Soviet and Iranian waters.

Soviet LOS negotiators have sought maximum protection for their territorial waters as they have attempted to minimize foreign claims that might constrict Soviet maritime activities. They have done so to protect their national interests in transportation, communications, commerce, and fishing. Of particular Soviet concern are proposals which would broaden the territorial sea up to a maximum of 200 miles. The Soviets have stated that among those advocating a 200-mile territorial sea are some who are "striving not only to liquidate the norm of the 12-mile limit but also to violate the very division of the sea expanses into territorial waters and the open sea." The U.S.S.R. firmly opposes such proposals, believing that they would inevitably complicate the administration and utilization of the high seas.

Since World War II, Soviet sensitivity to unauthorized transit of its territorial waters has been consistently and persistently expressed in a number of ways. In the region of the Kurile Islands, for example, more than 500 Japanese fishing boats have been captured and retained by the U.S.S.R. since 1946. American Coast Guard attempts to transit the Northern Sea Route during the 1960s provoked Soviet displeasure, the advance on Vil'kitskiy Strait precipitating close physical surveillance by Soviet patrol vessels and the dispatch of strong Soviet affirmations of its authority in these waters. More recently, on 15 March 1975, the U.S.S.R. officially protested the violation of Soviet waters adjacent to Ostrov Zmeynyy in the Black Sea by two American military vessels.

On 29 July 1974, in conjunction with Bulgaria, the German Democratic Republic, and Poland, the U.S.S.R. submitted draft articles on the territorial sea at the Caracas session of the LOS Conference (see Annex). These articles define Soviet views on the nature, breadth, and characteristics of the territorial sea, and propose specific rules for the use of these waters. The draft articles also establish the sovereignty of the coastal state over its territorial sea, the airspace above, and the bed and the subsoil thereof -- within a maximum of 12 nautical miles, measured from baselines to be determined in accordance with articles of the convention and subject to the provisions of articles concerning straits used for international navigation.

SECRET

Contiguous Zone

The U.S.S.R. supports the creation of contiguous zones, provided they do not extend farther than 12 miles from the baseline used to delineate the territorial sea. It submitted a draft article to this effect in Caracas on 29 July 1974 (see Annex). In the contiguous zone, the coastal state should have the right to exercise necessary measures to prevent the infringement of customs, fiscal, immigration, and sanitary regulations and to levy penalties against transgressors. This draft article states that where the coasts of two states are opposite or adjacent to each other, neither state is entitled, failing agreement between them to the contrary, to extend the contiguous zone beyond the median line.

The Arctic Sector

The sovereignty of the Arctic has been afforded special attention by the U.S.S.R. On 15 April 1926, the Presidium of the Central Executive Committee decreed Soviet ownership of all lands and islands within a sector bounded by the U.S.S.R. mainland on the south, the meridians 32°04'35"E. and 168°49'30"W., and the North Pole. On Soviet maps the western sector line is drawn to exclude the Spitsbergen Treaty area; the eastern line is drawn from the North Pole to the Arctic Circle, ending in the Bering Strait slightly east of the longitude of the U.S.-Russian Convention Line of 1867. Although the decree refers only to "lands and islands," many Soviet authorities have since asserted that the distinctive character of the Arctic ice and waters gives them special rights over the area. During the 1974 negotiations with Norway to establish a seabed boundary in the Barents Sea, the U.S.S.R. did not specifically mention the sector claim, although it was clearly alluded to in the discussion of the relationship of meridians to the median line. The comments of many Soviet authorities over the years -- particularly with reference to the use of the Northern Sea Route -- suggest that they would look with favor on the assimilation of the entire region into the Soviet regime of internal waters.

Straits

The U.S.S.R. maintains that seaward extension of coastal state jurisdiction must not be permitted to jeopardize international traffic in straits through which merchant and military vessels have passed freely for centuries. It submitted draft resolutions on this subject to Subcommittee II on 25 June 1972 and 17 July 1974 (see Annex). In the 1974 resolution a distinction is made between straits that are used for international navigation "Between one part of the high seas and another part of the high seas..." and straits that are used for international navigation "leading from

- 9 -

SECRET

SECRET

the high seas to the territorial sea of one or more foreign states...." The former declares that "all ships in transit shall enjoy...equal freedom of navigation for the purpose of transit through such straits"; whereas the latter proclaims only the non-suspendible application of the principle of innocent passage. The U.S.S.R. also holds that in certain instances the legal regime of straits is regulated by international agreements.

The 1974 draft is designed to promote or perpetuate freedom of navigation in straits that are of significant interest to the U.S.S.R. It does not, however, materially affect the legal regime established for straits now under the jurisdiction of the U.S.S.R., particularly those associated with the Northern Sea Route. Most of the straits along this route are less than 24 miles wide and lie within the territorial waters of the U.S.S.R. Even those that exceed 24 miles in breadth -- such as the Laptev Strait and Sannikov Strait, 27 and 31 miles wide, respectively -- are considered by many Soviets to belong to the U.S.S.R. in that they have never been used for international navigation. Furthermore, the Soviets claim that the natural conditions of the straits and the frequent ice jams cause the legal status of these straits to differ sharply from that of straits being used for international navigation. In LOS discussions, however, Soviet delegates have not addressed the regimes of these straits.

Soviet LOS pronouncements have been directed largely toward the defense of the status quo in the more than 100 international straits that would be affected by a 12-mile territorial sea. U.S.S.R. specialists have repeatedly declared that the concept of innocent passage has never been nor can it ever be applied to such straits as Gibraltar, the English Channel, the Straits of Dover, the Strait of Malacca, the Strait of Singapore, and Bab-el-Mandeb, where freedom of navigation has always been enjoyed. Even more consequential to the U.S.S.R., perhaps, is the continued guarantee of freedom of passage in the Turkish and Danish Straits, through which Soviet vessels egress from the Black and Baltic Seas.

Soviet LOS specialists suggest that the imposition of innocent passage in straits formerly enjoying freedom of passage would inevitably lead to disagreement and, possibly, to interstate conflict. Such a development, they say, would be contrary to long standing policies. At the 24 July 1973 meeting of Seabed Subcommittee II, Dr. Dmitriy N. Kolesnik observed that provision for freedom of passage was established as early as 28 July 1881 by a treaty between Argentina and Chile. According to Article 5 of this treaty, the Strait of Magellan was "declared once and forever neutral and free for ships of all nations...." He also cited analogous provisions contained in the Copenhagen Treaty of 1857 (governing the Danish

- 10 -

SECRET

Straits) and in a number of agreements involving Gibraltar. One Gibraltar agreement -- the French-English Declaration of 8 April 1907 -- established that "passage through the Strait of Gibraltar shall be free," a provision reaffirmed in the French-Spanish Treaty of 1912.

Soviet LOS delegates have expressed concern over the tendency of some nations to justify possible revision of the rules of passage through international straits by a subjective interpretation of the Geneva Convention of 1958. This document, they claim, "was not designed to determine the regime of straits connecting two parts of the high seas and used for international navigation." In fact, they declare, because of the failure of that Convention to clearly limit the breadth of the territorial sea, there was no point in "elaborating detailed provisions for the regime of international straits." Now, however, that the concept of the 12-mile territorial sea is gaining wide support, the U.S.S.R. has deemed it imperative to establish the freedom of passage through all straits that connect parts of the high seas as a rule of international law.

On numerous occasions Soviet specialists have spoken of the adverse effect that closure of international straits would have on countries which "due to their geographical position, have no access to the oceans other than through these straits and which use them not only for economic purposes, but for the purpose of their defense and security." The U.S.S.R. has proclaimed itself the protector of the international community in this respect, stating that it guards these interests "because the straits are gateways through which the absolute majority of states maintain international contacts by cooperating in different fields, establishing economic links, trading and rendering assistance." In taking this stand the U.S.S.R. has made a conscious effort to appeal to the landlocked states, noting that for them the "right of access to the high seas would be practically worthless without the freedom to navigate through these straits."

The Soviet 1974 draft considers the interests of states that front on straits by including measures to insure their security and well being. It would require ships passing through straits to take all necessary steps to prevent any type of threat to the security of coastal states. Warships, in particular, would not be permitted to engage in any acts unrelated to transit. Ships passing through straits would also be obliged to take precautions to prevent pollution and to refrain from causing any other harm to states with coastlines on the straits. If damage is done to the coastal states, compensation is to be provided by the owners of the ships, the ship's flag-state, or other persons responsible.

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The U.S.S.R. has privately insisted on free and unimpeded under-the-surface passage through international straits and archipelagic waters.

Finally, Article 3 of the 1974 draft resolution provides for the flight of aircraft, including military aircraft, in the air-space over straits that are overlapped by territorial seas and connect one part of the high seas with another. It permits the coastal state to establish air corridors and airways, specify communication procedures, regulate the operation of military aircraft, and collect liability for damage caused by overflight from either aircraft owners or from the states in which they are registered. It should be noted that this Article does not apply to straits over which overflight is regulated by international agreement, nor to straits that lead from the high seas to the territorial seas of one or more foreign states. In recent months, there have been some indications of Soviet softening on this issue.

Archipelagos

Soviet spokesmen define archipelagic states as those which are "constituted wholly by one or more archipelagos," such as Indonesia or the Philippines. At Caracas, Maj. Gen. Petr D. Barabolya carefully distinguished between the "archipelagic states" and "states with archipelagos," emphasizing U.S.S.R. opposition to any attempt to create archipelagic regimes for the islands of the latter. Attempts to do so, he warned, "could lead to arbitrary action in many parts of the ocean, interference with navigation and extension of rights over large parts of the ocean...."

The U.S.S.R. maintains that the question of the regime of archipelagic waters should be considered in conjunction with such related issues as the breadth of the territorial sea and transit through straits, noting that the regime for mainland states and their island possessions must be identical. Barabolya declared that the U.S.S.R. would be in a position to support the proposals of archipelagic states "if they accepted the 12-mile limit for territorial waters, and free transit, without exception, for ships through archipelagic waters and through all other international straits." He also indicated the necessity for archipelagic states to recognize the right of unimpeded overflight. Finally, Barabolya called for agreement on the length of baselines used to delimit archipelagic and territorial waters, remarking that "any reasonable limit could be considered."

During the February 1974 visit to Indonesia, Soviet LOS experts agreed that the status of an archipelago state should not be granted to groups of islands "not forming an independent entity," thus

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specifically excluding the islands of Greece and the Andaman and Nicobar Islands of India. At this conference, which was largely amiable, Soviet officials nevertheless flatly stated that there would be no LOS agreement in Geneva "unless freedom of navigation through international waterways, including straits, is reaffirmed." The U.S.S.R. has remained adamant on this point. At the same time Soviet experts indicated a willingness to accept the Indonesian concept of "unhampered secure passage," which by the latter's interpretation meant that no obstacles would be placed before shipping in international straits.

Continental Shelf

Willingness to at least conditionally discuss the creation of 200-mile economic zones has led to an erosion of traditional Soviet policies concerning the control and use of the continental shelf. As a signatory of the 1958 Geneva Convention, the U.S.S.R. for several years supported coastal state sovereignty over the continental shelf "to a depth of 200 meters, or beyond that limit, to where the superjacent waters admits of the exploitation of the natural resources of such areas." By a decision dated 6 February 1968, the Supreme Soviet asserted the absolute right of the U.S.S.R. to exclusive exploration of its continental shelf beyond the 12-mile limit to a depth of 200 meters.

Developments since 1968, particularly the growing worldwide support of the 200-mile economic zone, have forced the U.S.S.R. to reassess its continental shelf policy. Soviet scholars now admit that the Geneva Convention did not precisely establish the outward limit of the continental shelf, and they have noted that technological advance permits resource exploitation at ever-increasing depths. Thus the reality of improved exploitation capabilities and the tendency of coastal states to claim more and more of their continental margins, made it imperative, from the Soviet view, to redefine the outer margins of the continental shelf. This it did in a draft proposal presented to Subcommittee II on 13 July 1973 (see Annex).

This draft sought to move the outer limit of the continental shelf from the 200- to the 500-meter isobath. In recognizing that the latter is not uniformly distanced from the coast, the draft further provided that "where the 500-meter isobath ... is situated at a distance less than 100 nautical miles measured from baselines from which the territorial sea is measured, the outer limit of the continental shelf may be established ... by a line every point of which is at a distance from the nearest point of the said baselines not exceeding 100 miles." The draft also stated that in areas where there is no continental shelf, the coastal

SECRET

state may have the same rights on the seabed as it would have had on the continental shelf.

The U.S.S.R. in 1973 held that the outer limit of the continental shelf "must be fixed in such a way that part of the geological elements of the terrestrial crust containing latent reserves of hydro-carbons -- coal, petroleum, and gas -- was included in the international area and was accessible to states which did not have a continental shelf, or whose continental shelf did not contain any minerals or very small quantities of them." They stated that "an optional limit of that nature" could be established at the 500-meter isobath, "which, in many regions, would correspond to the limit of the continental shelf in a geomorphological sense of the term and would include only the uppermost part of the continental slope." The greater part of the slope, they claimed, and the whole of the continental rise would be included in the international area. In advancing these proposals, the U.S.S.R. simultaneously opposed a 200-mile limit on the continental shelf. Such a limit, it warned, would place under the control of the coastal states "93 percent of the total volume of hydrocarbon resources, including both those which had already been discovered and those which would become exploitable in the near future."

At the 1974 Caracas LOS session, the U.S.S.R. modified its policy again by indicating its readiness to recognize the right of coastal states to establish 200-mile economic zones, "if a mutually acceptable solution was found to the basic questions of the law of the sea" It also indicated that the coastal state had the right "to establish the outer limit of the shelf within 200 miles from its coast or within the 500-meter isobath line, whichever it chose." In discussing this broadened and liberalized Soviet view, delegate Stepan V. Molodtsov claimed that these criteria (200 miles and/or 500 meters) would protect the interests of both wide-shelf and narrow-shelf states. He reserved the right of his delegation to define its position further, however, particularly with respect to safeguarding Soviet interests in the exploration and exploitation of mineral resources on the shelf adjacent to U.S.S.R. territory "since there seemed to be a group of countries which would deny to States the right to exploit the mineral resources of the seabed beyond the limit of the continental shelf...."

Soviet LOS delegates have been sensitive to comments by the Chinese that have been made, they declare, "with the clear intention of casting doubts on the Soviet Union's intentions." The Soviet delegates claim that the 500-meter isobath is generally less than 200 miles from the coast of the U.S.S.R. mainland or islands. In the Far East, according to Kolesnik, the isobath was "between 40 and 60 miles from the coast" except in an unidentified part of

East Siberia, where it is "360 miles from shore." He claimed that part of the shelf was of no interest, however, "from the point of view of the exploration of the resources of the sea." The U.S.S.R. probably favors use of the distance option in the Baltic Sea, Black Sea, and the Sea of Japan. Furthermore, in the Arctic, Sea of Okhotsk, and Bering Sea there appears to be a distinct overall advantage for the U.S.S.R. in using the 200-mile criterion to delimit the continental shelf, although in some areas the 500-meter isobath extends seaward of the 200-mile limit.

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[REDACTED] the U.S.S.R. position on the 200-mile or 500-meter formula was designed solely to protect Soviet interests, and they have acknowledged that either could be selectively utilized. Use of either formula in the Arctic remains questionable, however, because the U.S.S.R. is opposed to the internationalization of that area, and it may be reserving the option to claim that region on the basis that it is comprised of "closed seas" or "historic waters." In the Arctic the division of the continental shelf on the west remains unsettled despite late 1974 discussions. The Norwegians prefer to delineate the shelf by a median line drawn equidistant from the Norwegian-controlled Svalbard Archipelago and the Soviet islands of Novaya Zemlya and Franz Josef. The Soviets favor a sector line running along the 32°04'35" meridian to the North Pole, a formula that would give them a substantial part of the shelf now claimed by Norway.

The U.S.S.R. entered into agreements on the division and/or limitation of the continental shelf of the Baltic Sea in 1965 and 1967 with Finland and in 1969 with Poland. In 1968, in conjunction with the German Democratic Republic and Poland, it also issued a declaration on the continental shelf which states that the Baltic Sea is a shallow sea with a continuous shelf that ought to be split between the riparian states. It declares that no part of the continental shelf of that sea "shall be turned over to the non-Baltic states, their citizens, or firms for mineral prospecting, development, or other uses." It also proclaims that "the continental shelf of the Baltic Sea must be used by all states exclusively for peaceful purposes." Thus far, however, none of the non-Communist states on the Baltic have acceded to the declaration, and there is open disagreement over the delimitation of the continental shelf between Sweden and the U.S.S.R. The Swedes propose the bisection of the Baltic Sea by a median line except in the vicinity of Gotland, where it claims the boundary should be drawn halfway between that island and the coast of Latvia. The Soviets, in turn, would place the shelf boundary midway between the mainlands of the two countries, on an alignment west of that proposed by the Swedes.

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Coastal State Jurisdiction Beyond the Territorial Sea

Proposals to create exclusive economic zones beyond the seaward limit of the territorial sea have gained widespread support in LOS circles during the past 2 years. These proposals have been advanced as compromises to modify the more extreme claims of some coastal states to a 200-mile territorial sea in which full jurisdiction would be exercised. The proposal of the U.S.S.R., offered in conjunction with the Byelorussian SSR, Ukrainian SSR, Bulgaria, Poland, and the German Democratic Republic, was submitted at the Caracas session of the LOS Conference on 4 August 1974 (see Annex). The draft notes that the proposal was offered "on condition that mutually acceptable decisions are also accepted...on the other basic questions of the law of the sea (12-mile breadth of territorial waters, freedom of passage through international straits, freedom of navigation, freedom of scientific research, determination of the outer limits of the continental shelf, the seabed regime and the prevention of the pollution of the sea environment)."

Articles in the 4 August 1974 proposal were arranged in two sections. Section I addressed a number of general provisions pertaining to the use of the economic zone which was not to extend "beyond the limit of 200 nautical miles, calculated from the base-lines used to measure the breadth of the territorial waters." Within this proposed zone the coastal state would exercise "sovereign rights over all living and mineral resources in the waters, the seabed, and the subsoil thereof," but this grant of sovereignty over resources should not be considered the equivalent of territorial sovereignty. Furthermore, it was not to interfere with the lawful activity of other states on the high seas.

In establishing the right of the coastal state to preserve, explore, and exploit the living and the mineral resources of its economic zone, the draft articles stress that these ends would be achieved "without prejudice to the rights of all other states... including the right to freedom of navigation, freedom of overflight, and freedom to lay submarine cables and pipelines." In addition they propose that every state should have the right to "freely carry out fundamental scientific research unrelated to the exploration and exploitation of the living or mineral resources of the zone." Research dealing with living or mineral resources was to be carried out only "with the consent of the coastal state." Preeminence in the economic zone obligates coastal states to strive for the "rational exploitation of the natural resources of the sea and the preservation of the sea environment," making certain that all activities in this connection "are carried out for peaceful purposes." Article 10 of Section I of the draft articles declares that no economic zone is to be established by any state in waters contiguous to foreign territory it either controls or has dominion over.

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Fisheries

In draft proposals submitted in 1972 and 1974 the U.S.S.R. sought to keep open to its fishing fleet as much of the world's fishing grounds as possible. Section II of the 4 August 1974 draft articles (A/Conf.62/C.2/L.38) establishes the position of signatory states relative to fishing in the proposed economic zones. This Section is an outgrowth of the Soviet draft article on fishing (A/AC.138/SC.II/L.6) submitted to Subcommittee II on 18 July 1972, in which the right of coastal states to reserve a part of the allowable catch to be taken from fishing grounds adjacent to their territorial seas or fishing zones was recognized.

Soviet spokesmen nevertheless continue to view the whole concept of economic zones, particularly as they relate to existing high seas fishing rights, with concern. In August 1974, Valentin A. Romanov, a delegate to the Caracas session, said that the creation of 200-mile economic zones could be detrimental to countries having "smaller" coastlines. He said that the U.S.S.R. was willing to accept these economic zones, however, in order to contribute to the development of underdeveloped states, but he admonished the latter to "keep the rights and interests of others in mind."

Section II of the 1974 draft articles assigns responsibility to the coastal state for the "rational exploitation and maximum use and preservation" of marine resources, in the course of which the coastal state is to "cooperate with the appropriate regional and international organizations." Working within these parameters the coastal state is permitted to determine the allowable catch of each species except for highly migratory fish; establish the share of the annual catch it reserves for its nationals; and allocate the remainder of the allowable catch to other states. Neighboring developing coastal states may allow each other's nationals the right to fish in specified parts of their economic zones, according to Section II, and developing states that are landlocked or have only a narrow outlet to the sea, "shall enjoy the privilege of fishing in the economic zone of a neighboring coastal State on the basis of equality with the nationals of that State."

This Section of the draft articles protects and prescribes the rights of others in the zone. It declares that measures established to conserve, explore, and exploit living marine resources "may not discriminate in form or content against the fishermen of any other State," and fishermen of these states are to be granted licenses "to fish for the unused part of such catch." In this process the coastal state shall "ensure an equitable distribution of living resources" by establishing an order of priority that sequentially recognizes:

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- states that have been instrumental in proving or developing the grounds or have been historically involved in local fishing activity;
- developing countries, landlocked countries, countries with narrow access to the sea or with narrow continental shelves, and countries with very limited living resources; and
- all other states without discrimination.

The 1974 draft articles make allowance for those coastal states in whose waters anadromous species (as salmon) spawn. These host states, according to the proposal, would have sovereign rights over such fish within the economic zone and preferential rights to them outside the zone in the migration area. Fishing for these species is to be authorized by agreements in which the host state and other states establish regulatory and other conditions to govern such activity. States "participating jointly with the coastal States in measures to renew the species of fish...and...States which have traditionally fished for anadromous species in the region concerned" would have priority.

Finally, in an attempt to accommodate fishing fleets that have habitually fished in waters encompassed by the new economic zones, the U.S.S.R. proposes that these fleets continue to fish within the zone during a transition period of "not less than three years after the entry into force of the Convention."

Deep Seabed

In discussions of the exploitation and management of the seabed areas beyond the limits of national jurisdiction, Soviet authorities have been fairly circumspect, displaying an apparent preference for retention of the status quo in these areas as long as possible. 25X1C [REDACTED] the Soviets had not by 1970 "explored the issues deeply enough to establish firm positions on all of them," but they had, nevertheless, "gone far enough to feel that an international regime and machinery would not be in their best interest." 25X1C [REDACTED] the Soviets saw "no urgency in developing such a regime," for in the view of many of their specialists, it would be "a decade or more before anyone wishes to exploit the resources of the deep seabed and probably longer before they have any interest in doing it themselves."

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With the passage of time and the development of international interest in the creation of a seabed authority, the U.S.S.R. reshaped its policies to respond to world opinion. It submitted its draft articles to the UN Seabed Committee on 22 July 1971 (see Annex). In these articles, and in countless statements made subsequent to their introduction, the U.S.S.R. has indicated its concern about the motives of other nations and its preference for a permissive rather than a restrictive international regime. It also expressed displeasure at that time over the possibility that producer states might be required to pay royalties or taxes on exploitive activities undertaken beyond the limits of national jurisdiction.

The July 1971 Soviet draft declares the seabed and the subsoil thereof to be open to all states, without discrimination, "exclusively for peaceful purposes" (Article 1), while the exploration and exploitation of these areas was not to "conflict with the principles of freedom of navigation, fishing, research and other activities on the high seas" (Article 4). The U.S.S.R. apparently envisages the exploitation of the seabed by states or by individuals or bodies dependent upon them, and not by the international body it proposes. States would be allocated sectors of the seabed (Article 12) and be responsible for the preservation of the environment thereof (Article 11). Integral to the Soviet proposal is Article 6, which prohibits the use of the seabed and the soil thereof for military purposes. The U.S.S.R. also considers that the proposed treaty "should in no way restrict freedom to carry out scientific research in the treaty areas."

The July 1971 draft also sets forth the Soviet concept of an appropriate international regime and the powers that should be allocated to it. It proposes the creation of an International Sea-Bed Resources Agency, comprised of a Conference of States and an Executive Board, whose principle functions would be the supervision of the implementation of the provisions of the treaty. Its functions, as proposed, are limited in scope and designed to promote cooperation among member states. The proposed organization is clearly to be one of limited authority, whose decisions are to be reached by agreement (Article 23), and whose domain is confined to the seabed and the subsoil thereof. Its influence is not to extend to the superjacent waters of the high seas (Article 25), and none of the provisions of the proposal give any jurisdiction whatsoever to the Agency or its organs (Article 26). Thus, by insisting on an organization that would act only on the basis of consensus and would coordinate rather than direct and reach decisions, the U.S.S.R. is expressing a belief that it would be in a position "to forbid decisions which might restrict her ocean activities by limiting high seas freedom."

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At the 1974 LOS meetings in Caracas, Romanov reiterated and further developed traditional Soviet concepts concerning the structure and use of the international authority and its machinery. He said that the regime for the seabed and the seabed organization must be worked out as a part of a single convention embracing the other LOS questions. The seabed and the subsoil thereof, he declared, are the common heritage of mankind, and as such, all countries, without discrimination, must be guaranteed access to them. In his remarks he revealed continued Soviet apprehension about the exploitation of these areas, recognizing that "A fundamental question, underlying the solution to other questions, was that of deciding who was entitled to explore and exploit the resources of the sea-bed."

Current Soviet policy on the utilization of the deep seabed, according to Romanov, is also designed to contain the influence of large private or international organizations. He declared that "States themselves must have the right to exploit the resources of the sea-bed..." and that "part of the income from the exploitation would be distributed among the States party to the Convention." One of the requirements set forth by Romanov was that parties to the Convention would be entitled to obtain licenses, even when the exploitation was to be carried out by individuals or companies. Furthermore, he stated, the number of licenses issued to any one state must be limited; the potentially richer parts of the seabed must be equitably distributed among signatory states; and the Convention must include a provision concerning the equitable distribution of benefits among all states, with special account being taken of the interests and needs of developing countries. The 1971 draft resolutions, in short, still reflect the essence of Soviet policy concerning the use of the seabed beyond the limits of national jurisdiction.

Dispute Settlement

The U.S.S.R. policy toward dispute settlement, prior to the opening of the Caracas LOS session, was limited to proposals articulated in a Soviet draft resolution (A/AC.138/43) offered in 1971. This resolution provides for "consultations" between disputing states, and in the event that this proved infeasible, it calls upon the Board of the proposed International Agency to assist in settling controversies "by applying the means for peaceful settlement listed in Article 33 of the United Nations Charter." Furthermore, this Board, "at the request of the parties to the dispute," is to establish such organs as may be deemed necessary to reach a settlement. In 1974 at Caracas the U.S.S.R. implicitly expressed support for the use of a dispute settlement mechanism in cases involving fisheries and the deep seabeds. At that time it remained adamantly opposed to the consideration of suits against

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states by individuals, companies, or by international organizations. During bilateral meetings with U.S. LOS specialists since Caracas, the Soviets have reconfirmed their preference for a functional rather than a comprehensive approach to the subject, and while stating their opposition to dispute settlement on the continental shelf, they did indicate the possibility of acceptance of the same for navigational issues on the continental shelf, given a warship exemption.

Pollution

The U.S.S.R. recognizes marine pollution to be a global problem calling for global solutions. Curtailment and containment of marine pollutants will depend on a single system of international and inter-regional measures, spread over several stages, carefully coordinated, and carried out at many levels of implementation.

On 25 July 1972 the U.S.S.R. submitted a draft resolution on measures for preventing the pollution of the marine environment. The contents of this resolution were incorporated and enlarged upon in a second draft resolution, dated 14 August 1972, and signed by Australia, Bulgaria, Canada, Iceland, the Netherlands, Norway, Sweden, and the U.S.S.R. Both drafts are extremely general, being mainly confined to the recognition of the urgency and the timeliness of developing pollution controls, the appeal for cooperation among states, and the expression of satisfaction over measures taken up to that time by such organizations as UNESCO's Intergovernmental Oceanographic Commission and the Inter-Governmental Maritime Consultative Organization.

These drafts were followed by that of 15 March 1973, which calls for a convention to establish general principles for the preservation of the marine environment (see Annex). Although comprised of only eight articles, this proposal is a relatively comprehensive statement of the Soviet position on the scope of the proposed convention and the responsibilities, obligations, and liabilities of the signatory powers. In it the convention is envisaged as being applicable to the world ocean, except for the territorial seas, which are the responsibility of the coastal states. Articles 2 and 3 obligate signatories to prevent marine pollution from all sources and hold them liable for damages resulting from activities carried out by the state or its representatives. Articles 4, 5, and 6 call for cooperation among states, mutual assistance between states, and scientific and technical assistance for developing countries in the prevention of pollution, respectively. Article 7 deals with the need to insure that rules and standards adopted for the prevention of pollution do not adversely affect traditional freedoms on the high seas, particularly those connected

- 21 -

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with transport, fishing, and research. The final article proclaims that "this Convention shall be without prejudice to the specific obligations assumed by States under special conventions and agreements concluded previously which relate to the prevention of pollution of the marine environment nor to agreements which may be concluded in furtherance of the general principles set forth in the Convention."

At Caracas, Dr. Feliks N. Kovalev again stressed the concern of his delegation for the adoption of effective measures to prevent marine pollution. He reported that his government had signed the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area in March 1974; the 1973 Convention for the Prevention of Pollution from Ships in July 1974; and that it was now giving serious consideration to acceding to the 1971 Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage.

Kovalev stated that the future Convention should guarantee the right of coastal states to take measures in the event of serious incidents in their territorial waters. He also said that coastal states should have the power to regulate the dumping of wastes within a zone whose dimensions would be stipulated in the Convention, and in the issuance of licenses for this purpose, coastal states should take into account international rules such as those laid down in the 1972 London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.

Kovalev also indicated the support of his delegation for the proposal to place increased responsibility on flag states for damages caused by pollution originating from ships sailing under their flag. He particularly noted that the coastal state had the right to take the necessary measures to insure the observation of internationally agreed rules. In the event of an infraction, the captain or other officers of the crew should be liable to fines on a nondiscriminatory basis, but that punishment, in the form of deprivation of liberty, should be imposed only by the flag state.

The Soviet delegation at Caracas expressed concern about the extent of coastal state authority over pollution control in the 200-mile economic zone. Kovalev indicated that the proposals to give the coastal state "full legal jurisdiction" in the zone "would result in undue interference with fishing and navigation and would give the coastal state the right to stop foreign ships for inspection, bring them to port, and even imprison the captain and the crew." Earlier in the same session he had said that it should be possible to empower the coastal state with the right to protect resources from pollution within a 200-mile economic zone, "provided a mutual understanding was reached on other complex questions on the agenda of the Third Committee...."

- 22 -

SECRET

In private conversations Soviet authorities have expressed concern over the question of giving coastal states the right to apply environmental standards higher than international standards. They indicated that if this concept were to apply to the construction and operation of fishing vessels, they would find such application unacceptable. They have also voiced opposition to assigning pollution control responsibilities to a seabed authority, and thus far they have been unwilling to discuss the Arctic pollution question on the grounds that in the Arctic it is not possible to separate land and marine interests.

Scientific Research

U.S.S.R. policies on scientific research in international waters, as stated in the Caracas session, are revealed in two UN Seabed Subcommittee III documents -- a working paper dated 3 August 1972 and a draft article dated 15 March 1973 (see Annex). The working paper, submitted jointly with Bulgaria and the Ukrainian SSR, sets out what is proclaimed to be the "basic principles concerning international cooperation in marine scientific research." Discussion and refinement of this paper is reflected in the March 1973 draft article, in which Poland joined the signatories of the earlier document. Article 1 of the draft defines scientific research as the Soviets view it.

The U.S.S.R. considers the freedom of scientific research in the world's ocean -- which it defines as "all ocean space, the sea-bed and the subsoil thereof, with the exception of internal and territorial waters and the bed and subsoil of the continental shelf" (Article 2) -- as the most important of the principles presented in the draft. Research in territorial waters and on the continental shelf, on the other hand, is recognized to be under the jurisdiction of the coastal state, which has participatory and/or representative rights in the research effort and is due the receipt of such data as may be collected.

The U.S.S.R. has advocated international cooperation as the most reasonable way to cope with the high costs associated with maritime scientific research. In practice, cooperation with other states has furthered Soviet foreign policy and economic goals, and has been used to gain access to advanced technology. Bilateral and multilateral agreements between states are provided for in Article 4, and Article 6 authorizes the participation of all states in international scientific programs such as those that may be conducted under the Intergovernmental Oceanographic Commission. The draft also encourages the mutual exchange of data among states (Article 7) and the cooperation of states to make certain that their research efforts do not endanger navigation or the principle

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of freedom on the high seas. Article 10 states that "Scientific research in the world ocean shall not be subjected to unjustified interference, nor shall scientific research itself cause unjustified interference with navigation, fishing, overflight in airspace or any other legal activity in the world ocean."

The draft addresses itself to the means by which scientific research may be conducted (Article 3), the entry of scientific vessels into ports and internal maritime waters (Article 8), and the legal status of research installations, fixed or floating (Article 9). States are made responsible for damages caused during the conduct of scientific investigations (Article 13), and are obligated to act in harmony with the purposes and principles of the Charter of the United Nations and other international agreements (Article 14). Finally, the draft calls for respect of existing international norms to prevent pollution in consequence of scientific research (Article 11).

At Caracas, Feliks Kovalev spoke of the danger of the regulation of scientific research, either by the coastal state or by international machinery, apparently in fear that regulation would lead to restriction. He also spoke critically of delegations that would qualify the right of scientific research in the world ocean, including the economic zone, noting that those delegations not only advocated the right of coastal states to authorize or reject applications for research in the economic zone, but also the right of the international seabed authority to do the same in the rest of the ocean space. Inferentially he suggested, as have others, that U.S.S.R. acceptance of the 200-mile economic zone is contingent on the adoption of a territorial sea of 12 miles or narrower, freedom of navigation in straits that connect one part of the high seas with another, freedom of scientific research beyond the areas of national jurisdiction, and freedom of scientific research in the economic zone except for research aimed directly at the exploration or exploitation of the living and nonliving resources in the zone.

On March 19, 1975 at Geneva, the U.S.S.R. presented a new set of draft articles on scientific research which stipulate that research conducted in the economic zone for the exploration and exploitation of living and nonliving resources would require coastal state consent, whereas any other research would require only advance notification.

D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS

The U.S.S.R. delegation to the Caracas session of the LOS Conference, headed by Igor K. Kolosovsky, included 9 members, 9 advisers, 3 experts, and an administrative staff of 10. A number

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of these delegates participated in several LOS conferences in the past. Notable are Boris G. Khabirov, Valentin Romanov, and Alexei A. Volkov, each of whom has attended seven international LOS-sponsored meetings; Feliks N. Kovalev, who has attended five; and Alexandr P. Metalnikov and Andrei K. Zhudro, each of whom has attended four. There was a considerable turnover in the Caracas delegation, however. Eight members were first-timers and 21 regulars were noticeably absent. Among the prominent absentees were Vladimir I. Kovalevskiy (present at five previous conferences) and Oleg N. Khlestov and Anatoliy N. Volkov (each present at three previous conferences).

U.S.S.R. assessment of the work that was to be done at Caracas is reflected, at least to a degree, by the affiliations of those who participated. In addition to the Ambassador to Venezuela, Viktor I. Likhachev, 11 delegates were attached to the Ministry of Foreign Affairs. The Ministry of Fisheries, Ministry of the Merchant Marine, and the Ministry of Geology, by contrast, sponsored only one delegate each. The State Committee on Science and Technology sent two delegates, as did the Scientific Research Institute of Maritime Transport. It would therefore appear that the U.S.S.R. considered the political factor to be of paramount importance at that stage of the negotiations.

On 19 February 1975, Feliks N. Kovalev provided the names of Soviet delegates scheduled to participate in the Geneva meetings. He stated that the level of the Soviet delegation had been raised considerably, and that it would be headed by Deputy Foreign Minister Semen P. Kozyrev. Deputy chiefs of the delegation will comprise Valeriy I. Igrevskiy, Deputy Minister of Geology; Vladimir M. Kamentsev, First Deputy Minister of the Fish Industry; Vladimir I. Tikhonov, Deputy Minister of the Maritime Fleet; Admiral Vladimir N. Alekseyev, First Deputy Chief of the Main Naval Staff; and Ambassador Igor K. Kolosovskiy, who headed the Soviet delegation to the Caracas Conference. None of the others, except Kamentsev, have participated previously in LOS conferences; Kamentsev attended the March 1972 meetings. A number of individuals who participated in the Caracas meetings are also included in the current delegation: Petr D. Barabolya, Andrey K. Zhudro, Yuriy B. Kazmin, Feliks N. Kovalev, Stepan V. Molodtsov, Anatoliy P. Movchan, Capt. Pavel Nazarenko, and Valentin A. Romanov.

A listing of officials who attended the 1974 Caracas session of the Third LOS Conference, the 1973 New York organizational session of the Conference, and/or one or more of the preparatory sessions for the Conference follows.

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Name and Title	Seabed Committee Session						Third LOS Conference	
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun Aug 74
*Adm. Vladimir N. ALEKSEYEV First Deputy Chief of the Main Naval Staff								X
*Maj. Gen. Petr D. BARABOLYA Chief, Department of International Maritime Law, Hydrographic Service Soviet Navy	X	X	X	X	X	X	X	X
Mr. Dmitriy V. BYKOV Counselor, Permanent Mission to the UN							X	
Mr. Igor' I. DOKUCHAYEV Chief, Foreign Relations Administration Ministry of the Fish Industry				X				
Mr. Aleksandr S. DRAGO Treaty and Legal Department Ministry of Foreign Affairs						X		X
Mr. Semen A. DZAKHAIEV International Organizations Depart- ment Ministry of Foreign Affairs					X			
Mr. Vladimir N. FEDOROV First Secretary Permanent Mission to the UN			X					
Mr. Georgiy S. GORSHKOV Director, International Law Research Section Scientific Institute "Soyzmorniiproekt" Ministry of the Maritime Fleet				X	X	X		

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Name and Title	Seabed Committee Session						Third LOS Conference	
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun Aug 74 Mar 75
Dr. Vladimir I. GRABOVSKIY Director of Department State Committee for Science and Technology	X	X	X					X
Mr. Vladimir M. GRININ Treaty and Legal Department Ministry for Foreign Affairs				X				
*Valeriy I. IGREVSKIY Deputy Minister of Geology								X
*Mr. Vladimir M. KAMENTSEV First Deputy Minister Ministry of the Fish Industry			X					X
*Mr. Yuriy B. KAZMIN Deputy Chief Marine-Geology Exploration Administration Ministry of Geology				X	X	X		X
Dr. Boris G. KHABIROV Treaty and Legal Department Ministry for Foreign Affairs		X	X	X	X	X	X	
Dr. Oleg N. KHLESTOV Chief, Treaty and Legal Department Ministry of Foreign Affairs	X	X		X				
Mr. Valeriy S. KNYAZEV Deputy Head of Department Scientific Research Institute of Maritime Transport								X
Dr. Dmitriy N. KOLESNIK Deputy Chief Treaty and Legal Department Ministry of Foreign Affairs			X			X	X	

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- 27 -

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Name and Title	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun Aug 74	Mar 75
*H.E. Mr. Igor' K. KOLOSOVSKIY Ambassador at Large Ministry of Foreign Affairs								X	X
*Dr. Feliks N. KOVALEV Deputy Chief Treaty and Legal Department Ministry of Foreign Affairs				X	X	X	X	X	X
Mr. Vladimir I. KOVALEVSKIY Chief, Department of International Law of Sea Ministry of Defence	X	X		X	X	X			
*Mr. Semen P. KOZYREV Deputy Foreign Minister									X
Mr. Marklen I. LAZAREV Professor, Institute of State and Law Academy of Sciences		X							
Mr. Leonid A. LEONT'YEV Ministry of Foreign Affairs								X	
H.E. Mr. Viktor I. LIKHACHEV Ambassador to Venezuela					X				
H.E. Mr. Yakov A. MALIK Deputy Minister for Foreign Affairs Permanent Representative to the UN					X				
Mr. Il'ya T. MATOV Deputy Head of Department Ministry of the Maritime Fleet								X	
Mr. Aleksandr P. METAL'NIKOV Responsible Secretary Oceanographic Committee of the Soviet Union				X	X	X		X	

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- 28 -

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Name and Title

	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun Aug 74	Mar 75
*Mr. Stepan V. MOLODTSOV Expert-Consultant Treaty and Legal Department Ministry of Foreign Affairs					X	X		X	X
*Dr. Anatoliy P. MOVCHAN Expert-Consultant Treaty and Legal Department Ministry of Foreign Affairs				X				X	X
Mr. Yevqeniy N. NASINOVSKIY Expert-Consultant Treaty and Legal Department Ministry of Foreign Affairs						X			
*Capt Pavel I. NAZARENKO Soviet Navy								X	X
Mr. Boris N. NETCHAYEV Counselor Treaty and Legal Department Ministry of Foreign Affairs		X							
H.E. Mr. Boris F. PODTSEROB Ambassador at Large Ministry of Foreign Affairs			X						
*Mr. Valentin A. ROMANOV First Secretary Treaty and Legal Department Ministry of Foreign Affairs	X	X	X	X	X	X		X	X
Mr. Vladimir P. SEMIKASHEV Treaty and Legal Department Ministry of Foreign Affairs		X							
Mr. Vitaly B. SHUBIN Ministry of Foreign Affairs								X	
Mr. Sergey N. SMIRNOV Senior Counselor Permanent Mission to the UN	X				X		X		

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Name and Title	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun Aug 74	Mar 75
Cmdr. Romuald F. SOROKIN Department of International Law Soviet Navy								X	
Mr. Gennadiy S. STASHEVSKIY Counselor Permanent Mission to the UN	X								
Mr. Vladimir D. TEREKHOV Attache Ministry of Foreign Affairs							X		
*Mr. Vladimir I. TIKHANOV Deputy Minister of the Maritime Fleet									X
*Mr. Aleksey A. VOLKOV Deputy Chief Foreign Relations Department Ministry of the Fish Industry	X	X	X	X	X	X		X	
Dr. Anatoliy N. VOLKOV Chief, Department VNIIMORGEО Ministry of Geology		X	X					X	
Mr. Vitaliy Ya. VOROB'YEV Ministry of Foreign Affairs						X		X	
Mr. Vladimir V. ZEMSKIY Ministry of Foreign Affairs								X	
*Dr. Andrey K. ZHUDRO Deputy Director Scientific Research Institute for Maritime Transport Ministry of the Maritime Fleet	X	X	X					X	X
Mr. Gennadiy I. ZOLOTОВ Second Secretary Ministry of Foreign Affairs	X								

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Next 14 Page(s) In Document Exempt

Approved For Release 2001/07/17 : CIA-RDP79-01054A000300050001-3

SECRET

U.S.S.R.

Part II - Background Information*

Geography

World region: Eastern Europe and Asia
Category: coastal
Bordering states: North Korea, Peoples Republic of China, Mongolia, Afghanistan, Iran, Turkey, Romania, Hungary, Czechoslovakia, Poland, Finland, Norway
Bordering bodies of water: White Sea, Barents Sea, Kara Sea, Arctic Ocean, Laptev Sea, East Siberian Sea, Chukchi Sea, Bering Strait, Bering Sea, Pacific Ocean, Zaliv Shelikhova, Sea of Okhotsk, Sakhalinskiy Zaliv, Tatar Strait((Amurskiy Liman and Gulf of Tartary), Sea of Japan, Caspian Sea, Black Sea, Baltic Sea, Gulf of Riga, Gulf of Finland
Bordering semienclosed sea: White Sea, Barents Sea, Bering Sea, Sea of Okhotsk, Sea of Japan, Baltic Sea, Black Sea
Major bordering straits: Kara Strait, Vil'kitskiy Strait, Sannikov Strait, Laptev Strait, Long Strait, Bering Strait, Tatar Strait, La Perouse Strait
Area of continental shelf: 364,300 sq. mi.
Area to 200 mi. limit: 1,309,500 sq. mi.
Area to edge of continental margin: 735,900 sq. mi.
Coastline: 29,000 statute mi. (includes Sakhalin)
Land: 8,600,000 sq. statute mi.
Population: 252,100,000

Industry and Trade

GNP: \$719.4 billion (1974, prelim., in 1973 U.S. prices); \$2,854 per capita (\$)
Major industries: diversified, highly developed capital goods industries; consumer goods industries comparatively less developed
Exports: \$27,500 million (f.o.b., 1974); fuels (particularly petroleum and derivatives), metals, agricultural products (timber and grain), and a wide variety of manufactured goods (primarily capital goods)
Imports: \$24,800 million (f.o.b., 1974); specialized and complex machinery and equipment, textile fibers, consumer manufactures, and any significant shortages in domestic production (for example, wheat imported following poor domestic harvests)

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SECRET

Industry and Trade (con't)

Major trade partners: \$42.3 billion (1973); trade 58% with Communist countries, 27% with industrialized West, and 15% with less developed countries
Merchant marine: (February 1975) 1,574 ships (1,000 GRT or over) totaling 14,200,000 GRT; of which 1,093 are general cargo, 1 roll-on roll-off cargo, 10 modular cargo, 24 refrigerated cargo, 260 general tanker, 14 specialized tanker, 66 passenger, 106 bulk carrier; 574 merchant ships based in Black Sea, 351 in Baltic Sea, 436 in Soviet Far East, and 213 in Barents/White Seas (C)

Marine Fisheries (S)

Catch: about 9.5 million metric tons (1974 est.); exports -- 260.4 thousand metric tons (1973); imports -- 15.0 thousand metric tons (1972)
Economic importance: seafood provides 15% - 18% of Soviet animal protein
Ranking: 3rd after Japan and Peru; accounts for about 11% of total world catch
Other fishing areas: worldwide, but especially off coasts of Canada, U.S., Norway, Iceland, Peru, India, Ceylon, and Japan
Species: cod, haddock, hake, herring, redfish, shad, flounder, mullet, mackerel
Marine fisheries techniques: modern
Other countries fishing off coast: Japan, Norway, U.K., Finland, U.S.
Extent of foreign offshore fishing: small-scale, except for Japan

Resources

Crude Oil: production (includes gas condensate) -- 3,270 million 42-gal. bbl. (448 million metric tons) onshore, 80 million 42-gal. bbl. (11.0 million metric tons) offshore (1974); proved and probable reserves -- 75,000 million 42-gal. bbl. (10,300 million metric tons) (1972)
Natural gas: 9,040 billion cubic feet (256 billion cubic meters) onshore, 175 billion cubic feet (5 billion cubic meters) offshore (1974); proved recoverable reserves -- 794,500 billion cubic feet (22,500 billion cubic meters) (1974)

Navy (S)

Ships: surface ships -- 2 guided-missile helicopter ships, 9 light cruisers, 17 guided-missile light cruisers, 2 command

SECRET

Navy (S) (con't)

light cruisers (point defense), 1 old heavy cruiser, 8 surface-to-surface and point defense guided missile destroyers, 4 surface-to-surface missile destroyers, 31 surface-to-surface air missile destroyers, 37 destroyers, 109 destroyer escort, 742 patrol types 268 mine warfare types, 97 amphibious ships, 102 amphibious craft, 750 auxiliaries; submarines -- 35 nuclear-powered attack, 41 nuclear-powered cruise-missile, 25 diesel-powered cruise-missile, 73 diesel-powered long-range torpedo-attack, 75 diesel-powered medium-range torpedo-attack, 4 diesel-powered short-range torpedo-attack, 48 nuclear-powered ballistic-missile, 22 diesel-powered ballistic-missile

Government Leaders

General Secretary of the Central Committee of the Communist Party:
Leonid I. Brezhnev
Chairman of the Council of Ministers: Aleksey N. Kosygin
Chairman of the Presidium of the U.S.S.R. Supreme Soviet: Nikolay V. Podgornyy
Minister of Foreign Affairs: Andrey Andreyevich Gromyko

Multilateral Conventions

Geneva Conventions:

Convention on the Territorial Sea and Contiguous Zone, November 22, 1960.
Convention on the High Seas, November 22, 1960.
Convention on the Continental Shelf, November 22, 1960.

Oil Pollution Conventions:

International Convention for the Prevention of Pollution of the Sea by Oil, September 3, 1969. 1969 Amendments, November 2, 1971.

International Convention for the Safety of Life at Sea (SOLAS), August 4, 1965.

Conventions Regulating Fisheries in the North Atlantic and North Sea:

International Convention for the Northwest Atlantic Fisheries, April 10, 1958.
Protocol to the Convention relating to the holding of annual meetings, August 11, 1958.
Declaration of Understanding regarding the Convention concerning Mollusks, May 8, 1961.
Protocol to extend the Provisions of the Convention to Harp and Hood Seals, April 13, 1964

SECRET

Multilateral Conventions (con't)

Protocol relating to Entry into Force of Proposals adopted by the Commission, October 23, 1967
Protocol relating to Measures of Control, October 23, 1967.
Protocol relating to Panel Membership and to Regulatory Measures, November 21, 1969.
Protocol relating to Amendments to the Convention, October 13, 1971.
North-East Atlantic Fisheries Convention, August 25, 1960.

Miscellaneous Fishing Conventions:

International Convention for the Regulation of Whaling, September 11, 1948.
Protocol to the Convention, July 3, 1957.
Convention on the Conservation of the Living Resources of the South-East Atlantic, September 24, 1971.

Miscellaneous Conventions:

Nuclear Test Ban Treaty, October 10, 1963.
Seabed Arms Limitation Treaty, May 18, 1971.
IMCO Convention, December 12, 1958.
ICES Convention, October 28, 1965.

Bilateral and Regional Conventions

Territorial Sea:

Norway-U.S.S.R. Agreement concerning the Sea Frontier between Norway and the U.S.S.R. in the Varanger-fjord. Signed at Oslo, February 15, 1957. In force April 24, 1957. 312 UNTS 289.
Descriptive Protocol (with Annexes) relating to the Sea Frontier between Norway and the U.S.S.R. in the Varanger-fjord, demarcated in 1957. Signed at Moscow, November 29, 1957. In force March 17, 1958. 312 UNTS 289.
Poland-U.S.S.R. Protocol (with annexed maps) concerning the Delimitation of Polish and Soviet Territorial Waters in the Gulf of Gdansk in the Baltic Sea. Signed at Warsaw, March 18, 1958. In force July 29, 1958. 340 UNTS 94.
Turkey-U.S.S.R. Protocol on Maritime Frontier. Signed April 17, 1973.

Continental Shelf:

Finland-U.S.S.R. Agreement concerning the Boundaries of Sea Areas and of the Continental Shelf in the Gulf of Finland. Signed at Helsinki, May 20, 1965. In force May 25, 1966. 566 UNTS 31.
Finland-U.S.S.R. Protocol Description of the Sea Boundary Line between Finland and the Soviet Union in the Gulf of Finland to the North east of Gogland Island. Signed at Helsinki, April 5, 1967.
Soviet Statutes and Decisions, VI (1970), 265.

SECRET

Bilateral and Regional Conventions (con't)

Finland-U.S.S.R. Agreement concerning the Boundary of the Continental Shelf between Finland and the Soviet Union in the Northeastern Part of the Baltic Sea (with annexed maps). Signed at Helsinki, May 5, 1967. In force March 5, 1968. 640 UNTS 111.

German Democratic Republic-Poland-U.S.S.R. Declaration on the Continental Shelf of the Baltic Sea. Signed at Moscow, October 23, 1968. (1968) 7 International Legal Materials 1393.

Poland-U.S.S.R. Agreement concerning the Course of the Continental Shelf Boundary in the Gulf of Gdansk and the Southeastern Part of the Baltic Sea. Signed at Warsaw, August 28, 1969. In force May 13, 1970. (1970) 9 International Legal Materials 697.

Fishing:

Finland-U.S.S.R. Agreement (with annexes) regarding Fishing and Sealing. Signed at Moscow, February 21, 1959. In force April 4, 1959. 338 UNTS 3.

Protocol extending the Agreement to an Area in the Gulf of Finland to the East of the Island of Suusaari (Gogland). Signed at Helsinki, May 20, 1965. In force May 25, 1966. 566 UNTS 350.

Finland-U.S.S.R. Agreement on Fishing and Sealing. Signed at Moscow, June 13, 1969. (1970) 9 International Legal Materials 507.

Norway-U.S.S.R. Agreement on Fishing. Signed at Moscow, April 16, 1962. In force August 1, 1962. 437 UNTS 175.

Canada-U.S.S.R. Agreement on Co-operation in Fisheries off the Coast of Canada in the North-Eastern Pacific Ocean. Signed at Moscow, January 22, 1971. In force February 19, 1971.

Norway-U.S.S.R. Agreement concerning the Handling of Claims in Connection with Damage to Fishing Gear. Signed at Moscow, December 9, 1959. In force January 1, 1960. 361 UNTS 93.

Norway-U.S.S.R. Exchange of Notes concerning an Arrangement for Mutual Communication with Regard to the Capture of Fishing and Similar Vessels. Signed at Moscow, July 9, 1968. In force July 9, 1968. (1968) Overenskomst med Fremmede Stater 352.

U.S.S.R.-U.S.A. Agreement on Certain Fishery Problems on the High Seas in the Western Areas of the Middle Atlantic Ocean. Signed at Washington, December 11, 1970. In force January 1, 1971. 21 UST 2664; TIAS 7009.

Protocol to the Agreement. Signed at Washington, February 2, 1971. In force February 7, 1971. 22 UST 113; TIAS 7043.

Iceland-Norway-U.S.S.R. Agreement on the Regulation of the Fishing of Atlanto-Scandian Herring. Signed at Moscow, February 25, 1972. In force February 25, 1972.

Bilateral and Regional Conventions (con't)

- Japan-U.S.S.R. Convention concerning Fishing on the High Seas in the Northwest Pacific Ocean. Signed at Moscow, May 14, 1956. In force December 12, 1956. Soviet Statutes and Decisions, VI (1970), 359.
- Japan-U.S.S.R. Agreement on King Crab. Signed on April 16, 1970. In force April 16, 1970.
- Canada-U.S.S.R. Agreement on Provisional Rules of Navigation and Fisheries Safety in the Northeastern Pacific Ocean off the Coast of Canada (with Provisional Rules of Navigation and Fisheries Safety). Signed at Moscow, January 22, 1971. In force April 15, 1971.
- Canada-U.S.S.R. Agreement on Co-operation in Fisheries off the Coast of Canada in the Northeastern Pacific Ocean. Signed at Moscow, January 22, 1971. In force February 19, 1971.
- U.S.S.R.-U.S.A. Agreement relating to Fishing Operations in the Northeastern Pacific Ocean. Signed at Washington, February 12, 1971.
- U.S.S.R.-U.S.A. Agreement relating to Fishing for King and Tanner Crab. Signed at Washington, February 12, 1971. In force February 12, 1971. TIAS 7044.
- U.S.S.R.-U.S.A. Agreement on Certain Fisheries Problems in the North-Eastern Part of the Pacific Ocean off the Coast of the United States of America. Signed at Washington, February 12, 1971. In force February 12, 1971. TIAS 7046.
- Agreement amending the Agreement. Effected by Exchange of Aide-memoire, Moscow, February 22 and March 15, 1972. In force March 15, 1972. TIAS 7328.
- Japan-U.S.S.R. Agreement between the Great Japan Fisheries Association and the U.S.S.R. Ministry of Fisheries concerning the Collection of Sea Kale in Areas around the Kaigara Islands by Japanese Fishermen. Signed at Moscow, June 10, 1963. Soviet Statutes and Decisions, VI (1969/70), 170.
- Japan-Norway-U.S.S.R. Arrangements for the Regulation of Antarctic Pelagic Whaling. Signed at Tokyo, September 29, 1971. (Lays down arrangements for 1971-72 season).
- U.S.S.R.-U.S.A. Agreement on the Regulation of North Pacific Whaling. Signed at Tokyo, July 30, 1971. In force July 30, 1971. TIAS 7188.
- Norway-U.S.S.R. Agreement (with annex) on Measures for Regulating the Catch and Conserving Stocks of Seals in the Northeastern Part of the Atlantic Ocean. Signed at Oslo, November 22, 1957. In force June 27, 1958. 309 UNTS 269.
- Finland-U.S.S.R. Protocol on Co-operation in checking Pollution in the Gulf of Finland. Signed at Helsinki, 1970.
- Denmark-Finland-Norway-Sweden. Agreement concerning Co-operation in Ice-breaking. (with Protocol). Signed at Helsinki, December 20, 1961. In force December 20, 1961. 419 UNTS 79.

SECRET

Present Ocean Claims*

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea	1909	12 mi.	
	1921	12 mi.	Decree <i>Only in the Barents Sea</i>
	1927	12 mi.	Decree of June 15, 1927 <i>Extended to entire area of the U.S.S.R.</i>
	1935	12 mi.	
	1960	12 mi.	Statute for the Protection of the State Frontier of the U.S.S.R., Aug. 5, 1960. <i>Measured from the low water line and from lines closing bays and rivers.</i> <i>Party to the Convention on the Terri- torial Sea...(Nov. 22, 1960)</i> <i>Protocol...(Poland & U.S.S.R.)... concerning...territorial waters in the Gulf of Gdansk, Warsaw, Mar. 18, 1958. 340 UNTS 94.</i> <i>Protocol on Maritime frontier...with Turkey, April 17, 1973.</i>
Continental Shelf	1968	200 meters and exploit- ability	Edict of the Supreme Soviet of Feb. 6, 1968 <i>Party to the Continental Shelf Convention (Nov. 22, 1960)</i> <i>The U.S.S.R./Norway Agreement of Feb. 15, 1957, concerning the sea frontier between the two countries, defines the U.S.S.R./Norwegian sea frontier in the Varanger fjord as a straight line from an agreed frontier mark</i>

* Principal Source: *Limits of the Seas, National Claims to Maritime Jurisdictions*, 2d Revision, State Dept/INR, April 1974.

Present Ocean Claims (con't)

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Continental Shelf (cont'd)			<p>to the intersection of the outer limits of U.S.S.R. & Norwegian territorial seas. Neither of the parties is to extend its territorial seas beyond the straight line extending from the said intersection to the median point of the line between Cape Nemetsky and Cape Kibergnes.</p> <p>The Finland/U.S.S.R. Agreement of May 20, 1965, Regarding the Boundaries of Sea Waters and the Continental Shelf in the Gulf of Finland, refers to the 1958 Geneva Convention on the Continental Shelf and establishes along agreed points a sea boundary line between the contracting parties, as well as the boundary lines of their territorial sea in the Gulf of Finland in the northeast section of Sursari (Gogland) Island.</p> <p>The Finland/U.S.S.R. Agreement on the Continental Shelf Boundary in the Baltic Sea of May 5, 1967, provides for the delimitation on the median line principle of the continental shelf between both countries in a specified area of the northeastern Baltic Sea.</p> <p>See <u>Limits in the Seas</u>, Nos. 16, 17, 55, and 56. Treaty on the boundary of the continental shelf in...the southeastern Baltic, Warsaw, Aug 29, 1969, EIF May 13, 1970.</p> <p>Agreement...concerning the boundary of the continental shelf between Finland and the Soviet Union in the northeastern part of the Baltic Sea, Helsinki, May 5, 1967, EIF Mar 15, 1968. 640 <u>UNTS</u> 111</p>

Present Ocean Claims (con't)

Type	Date	Terms	Source, Notes
Exclusive Fishing	1935	12 mi.	Regulation of Sept 25, 1935 <i>The Finland/U.S.S.R. Agreement Regarding Fishing and Sealing of Feb. 21, 1959 and Protocol of May 20, 1965, extending that agreement, grants to Finnish nationals the right to engage in fishing and sealing in the territorial sea of the U.S.S.R. in specially designated areas of the Gulf of Finland to the east of Sursari (Gogland) Island.</i>
			<i>The Norway/U.S.S.R. Agreement of Mar. 15, 1962 authorizes U.S.S.R. fishermen to fish in the 6- to 12-mile area off the Norwegian coast until Oct. 31, 1970, subject to certain conditions. In return, Norwegian fishermen of the Varanger Fjord are authorized to fish within the 6- to 12-mile area of the U.S.S.R. territorial sea in a specifically designated zone between Cape Nemetsky and the port of Kiberg.</i>
Straight Baselines	1953		Czarist Ukase <i>Sea of Okhotsk as an internal sea which in 1956 was equated by a jurist with a "claimed" sea.</i>
	1921		Decree <i>Provided for the historic claim to the White Sea and Cheshskaya Gulf. Former mentioned in 1893 Instruction to Cruisers.</i>
	1947		<i>Soviet text on international law mentions Gulf of Riga and Sea of Azov as historic bays. International law book categorized Kara, Laptev, East Siberian and Chukchi Seas as "claimed" seas.</i>
	1951		

Present Ocean Claims (con't)

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Straight Baselines (cont'd)	1957		Decree of July 20, 1957 <i>Specifies limits of the historic bay of Peter the Great.</i>
	1964		Aide Memoire of July 21, 1964 <i>Stated that Dimitriy Laptev and Sannikov straits were "internal waters" of the U.S.S.R.</i>
	1971		Edict of June 10, 1971 <i>Amended the 1960 Law on the Protec- tion of the State Frontier to permit the drawing of straight baselines to be determined by the Council of Ministers (Vedomosti Verkhovnogo Soveta SSSR, 1971 N. 24, item 254).</i>

SECRET

Action on Significant UN Resolutions

Moratorium Resolution

(A/RES/2574 D, XXIV, 12/15/69)

Against

Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.

LOS Conference

(A/RES/2750 C, XXV, 12/17/70)

Against

Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.

LOS Conference, Timing and Site
(A/RES/3029 A, XXVII, 12/18/72)

Adopted w/o vote

Indian Ocean as a Zone of Peace
(A/RES/2992, XXVII, 12/15/72)

Abstain

Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.

Landlocked/Shelf-Locked Study Resolution
(A/RES/3029 B, XXVII, 12/18/72)

In favor

Called for study of extent and economic significance in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.

Peruvian Coastal State Study Resolution
(A/RES/3029 C, XXVII, 12/18/72)

Abstain

Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.

Permanent Sovereignty over Natural Resources
(A/RES/3016 XXVII, 12/18/72)

In favor

Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.

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SECRET

Membership in Organizations Related to LOS Interests

CEMA	Council for Economic Mutual Assistance
Geneva Disarmament Conference	
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
ILO	International Labor Organization
IMCO	Inter-Governmental Maritime Consultative Organization
ITU	International Telecommunications Union
Seabeds Committee	United Nations Committee on the Peaceful Uses of Seabed and Ocean Floor beyond the Limits of National Jurisdiction
UN	United Nations
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UPU	Universal Postal Union
Warsaw Pact	
WHO	World Health Organization
WMO	World Meteorological Organization
Universal Copyright Convention	

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UNITED NATIONS



**THIRD CONFERENCE
ON THE LAW OF THE SEA**

SECOND COMMITTEE



Distr.
LIMITED

A/CONF.62/C.2/L.26
29 July 1974
ENGLISH
ORIGINAL: RUSSIAN

DRAFT ARTICLES ON THE TERRITORIAL SEA

People's Republic of Bulgaria, German Democratic Republic, Polish
People's Republic, Union of Soviet Socialist Republics

SECTION I

Nature and characteristics of the territorial sea and its breadth

Article 1

1. The sovereignty of a coastal State extends beyond its land territory and its internal waters to a belt of sea adjacent to its coast or to its internal waters and described as the territorial sea.
2. The sovereignty of a coastal State extends also to the air space over the territorial sea as well as to the bed and subsoil thereof. All the resources of the territorial sea are under the sovereignty of the coastal State.
3. The coastal State exercises this sovereignty subject to the provisions of these articles and to other rules of international law.

Article 2

Each State has the right to determine the breadth of its territorial sea within a maximum limit of 12 nautical miles, measured from the baselines determined in accordance with articles ... of this Convention, and subject to the provisions of articles ... concerning straits used for international navigation.

SECTION II

Method of measuring and delimiting the territorial sea

(Articles 3-13)*

* Add here the text of articles 3 to 13 of the Convention on the Territorial Sea and the Contiguous Zone, 1958.

A/CONF.62/C.2/L.26
English
Page 2

SECTION III

Right of innocent passage through the territorial sea

Subsection A. Rules applicable to all ships

Article 14

Subject to the provisions of the articles of this section, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.

Passage of straits used for international navigation is governed by articles ... of this Convention.

Article 15

1. Innocent passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to or from internal waters.
2. Innocent passage includes stopping and anchoring provided they are incidental to ordinary navigation or navigating conditions or are rendered necessary by force majeure or by distress.

Article 16

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with these articles and with other rules of international law.
2. Passage of a foreign ship shall be considered innocent so long as it does not engage in any of the following in the territorial sea:
 - (a) Any threat or use of force either against the territorial integrity or the political independence of the coastal State or in any other way incompatible with the Charter of the United Nations;
 - (b) Any exercises or gunfire, launching of missiles or other use of weapons of any kind;
 - (c) The launching or taking on board of any aircraft;
 - (d) The unloading or loading of any cargo in violation of the laws of the coastal State;
 - (e) The disembarking or embarking of any person in violation of the laws of the coastal State;

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English
Page 3

(f) Deliberate acts interfering with any system of communication of the coastal State;

(g) Deliberate acts interfering with any other facilities or installations of the coastal State.

The provisions of subparagraphs (c) to (g) of this article shall not apply to any activity carried out with the prior authorization of the coastal State or rendered necessary by force majeure or by distress.

3. Passage of foreign fishing vessels shall not be considered innocent if they do not observe such laws and regulations as the coastal State may make and publish in order to prevent them from fishing in the territorial sea.

4. Submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 17

1. Foreign nuclear-powered ships and ships carrying nuclear substances shall, during passage through territorial waters, observe special precautionary measures and carry papers established for such ships by international agreements.

2. In exercising their right of passage, foreign scientific research, hydrographic survey and other ships may not carry out any marine research or surveys without previous authorization from the coastal State.

Article 18

1. The coastal State shall not hamper innocent passage through the territorial sea or discriminate amongst foreign ships in respect of such passage.

2. The coastal State is required to give appropriate publicity to any navigational hazards of which it has knowledge, within its territorial sea.

Article 19

1. The coastal State may take the necessary steps in its territorial sea to prevent non-innocent passage.

2. In the case of ships proceeding to internal waters, the coastal State shall also have the right to take the necessary steps to prevent any breach of the conditions to which the admission of those ships to those waters is subject.

3. The coastal State may, without discrimination among foreign ships, suspend temporarily and in specified areas of its territorial sea the right of innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been given due publicity and on the condition that the other shortest routes for innocent passage have at the same time been designated.

A/CONF.62/C.2/L.26
English
Page 4

Article 20

1. The coastal State may adopt laws and regulations in respect of innocent passage through its territorial sea. Such laws and regulations shall comply with the provisions of the present Convention and other rules of international law and may be in respect of the following questions:

- (a) The safety of navigation and the regulation of sea navigation;
- (b) The prevention of destruction of, or damage to, installations or aids to navigation;
- (c) The prevention of destruction of, or damage to, facilities or installations for the exploration and exploitation of the marine resources, including the resources of the sea-bed and subsoil of the territorial sea;
- (d) Prevention of damage to communication lines and electrical transmissions;
- (e) The preservation of the environment and prevention of pollution of the coastal waters and shores of the State in accordance with articles ... of the present Convention;
- (f) Scientific exploration of the marine environment, including water density, the sea-bed and the subsoil of the territorial sea;
- (g) Prevention of infringement of the customs, fiscal, immigration, sanitary and phyto-sanitary regulations of the coastal State;
- (h) Prevention of fishing by foreign vessels in the territorial sea.

2. Such laws and regulations shall not relate to questions concerning the construction, manning, equipment or technical gear of foreign ships or impose requirements on such ships which may have the practical effect of denying or seriously prejudicing their right of innocent passage in accordance with the present Convention.

3. The coastal State shall give due publicity to all laws and regulations on innocent passage.

4. Foreign ships exercising the right of innocent passage through the territorial sea shall comply with all such laws and regulations of the coastal State.

5. The coastal State shall ensure that the application of such laws and regulations in respect of foreign ships enjoying the right of innocent passage is in conformity with the provisions of the present Convention. The coastal State shall be answerable to the State whose flag the ship flies for any damage caused to that ship as a result of the application of the laws or regulations of the coastal State in a manner contrary to the provisions of the present Convention.

A/CONF.62/C.2/L.26
English
Page 5

Article 21

In areas of the territorial sea in which navigation conditions make it so desirable, the coastal State may introduce sea-lanes and traffic separation schemes and shall ensure that these are clearly indicated on the charts and that they are given due publicity.

Article 22

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.
2. Charges may be levied upon a foreign ship passing through the territorial sea only as payment for specific services rendered to the ships. These charges shall be levied without discrimination.

Subsection B. Rules applicable to merchant ships

Article 23

1. Criminal jurisdiction of the coastal State shall not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct an investigation in connexion with a crime committed on board the ship during its passage, save only in the following cases:

- (a) If the consequences of the crime extend to the coastal State; or
- (b) If the crime is of a kind to disturb the peace of the country or the good order of the territorial sea; or
- (c) If the assistance of the local authorities is requested by the captain of the ship or by the consul of the country whose flag the ship flies; or
- (d) If it is necessary for the suppression of illicit traffic in narcotic drugs.

2. The provisions set forth above do not affect the right of the coastal State, when there is justification, to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.

3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, advise the consular authority of the flag State before taking any steps, and shall facilitate contact between such authority and the ship's crew. In cases of extreme urgency this notification may be communicated while the measures are being taken.

4. In considering whether or how an arrest should be made, the local authorities shall pay due regard to the interests of navigation.

5. The coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct an investigation in connexion

A/CONF.62/C.2/L.26
English
Page 6

with a crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering the internal waters of the State concerned.

Article 24

1. The coastal State shall not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.
2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its passage through the waters of the coastal State.
3. The provisions of the previous paragraph are without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of civil proceedings, a foreign ship lying in the territorial sea or passing through the territorial sea after leaving internal waters.
4. Government ships operated for commercial purposes in foreign territorial waters shall enjoy immunity, and therefore the measures referred to in this article may be applied to them only with the consent of the State whose flag the ship flies.

Subsection C. Rules applicable to government
ships operated for non-commercial purposes

Article 25

1. The rules contained in subsection A shall apply to government ships operated for non-commercial purposes.
2. Except in the cases provided for in the provisions referred to in the previous paragraph nothing in these articles affects the immunities which such ships enjoy under these articles or other rules of international law.

Subsection D. Rules applicable to warships

Article 26

The rules contained in subsection A shall apply to foreign warships, but nothing in this Convention shall affect the immunity which warships enjoy in accordance with the generally accepted rules of international law.

Article 27

If any warship does not comply with the regulations of the coastal State relating to passage through the territorial sea and disregards a request for compliance which is made to it, the coastal State may require the warship to leave the territorial sea.



UNITED NATIONS



THIRD CONFERENCE
ON THE LAW OF THE SEA



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SECOND COMMITTEE

Byelorussian Soviet Socialist Republic, Bulgaria,
Czechoslovakia, German Democratic Republic,
Hungary, Mongolia, Poland and Union of Soviet
Socialist Republics: draft article on the
contiguous zone

1. In a zone of the high seas contiguous to its territorial sea, the coastal State may exercise the control necessary to:
 - (a) Prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea;
 - (b) Punish infringement of the above regulations committed within its territory or territorial sea.
2. The contiguous zone may not extend beyond 12 miles from the baseline from which the breadth of the territorial sea is measured.
3. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its contiguous zone beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured.

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COMMITTEE ON THE PEACEFUL USES OF THE SEA-BED AND THE
OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

UNION OF SOVIET SOCIALIST REPUBLICS:

Draft articles on straits used for
international navigation

Article ...

1. In straits used for international navigation between one part of the high seas and another part of the high seas, all ships in transit shall enjoy the same freedom of navigation, for the purpose of transit through such straits, as they have on the high seas. Coastal States may, in the case of narrow straits, designate corridors suitable for transit by all ships through such straits. In the case of straits where particular channels of navigation are customarily employed by ships in transit, the corridors shall include such channels.

2. The freedom of navigation provided for in this article, for the purpose of transit through the straits, shall be exercised in accordance with the following rules:

(a) Ships in transit through the straits shall take all necessary steps to avoid causing any threat to the security of the coastal States of the straits, and in particular warships in transit through such straits shall not in the area of the straits engage in any exercises or gunfire, use weapons of any kind, launch their aircraft, undertake hydrographical work or engage in other acts of a nature unrelated to the transit;

(b) Ships in transit through the straits shall strictly comply with the international rules concerning the prevention of collisions between ships or other accidents and, in straits where separate lanes are designated for the passage of ships in each direction, shall not cross the dividing line between the lanes. They shall also avoid making unnecessary manoeuvres;

GE.72-14490

A/AC.138/SC.II/L.7
page 2

(c) Ships in transit through the straits shall take precautionary measures to avoid causing pollution of the waters and coasts of the straits, or any other kind of damage to the coastal States of the straits;

(d) Liability for any damage which may be caused to the coastal States of the straits as a result of the transit of ships shall rest with the flag-State of the ship which has caused the damage or with juridical persons under its jurisdiction or acting on its behalf;

(e) No State shall be entitled to interrupt or stop the transit of ships through the straits, or engage therein in any acts which interfere with the transit of ships, or require ships in transit to stop or communicate information of any kind.

3. The provisions of this article:

(a) shall apply to straits lying within the territorial waters of one or more coastal States;

(b) shall not affect the sovereign rights of the coastal States with respect to the surface, the sea-bed and the living and mineral resources of the straits;

(c) shall not affect the legal régime of straits through which transit is regulated by international agreements specifically relating to such straits.

Article

1. In the case of straits over which the airspace is used for flights by foreign aircraft between one part of the high seas and another part of the high seas, all aircraft shall enjoy the same freedom of overflight over such straits as they have in the airspace over the high seas. Coastal states may designate special air corridors suitable for overflight by aircraft, and special altitudes for aircraft flying in different directions, and may establish particulars for radio-communication with them.

2. The freedom of overflight by aircraft over the straits, as provided for in this article, shall be exercised in accordance with the following rules:

(a) Overflying aircraft shall take the necessary steps to keep within the boundaries of the corridors and at the altitudes designated by the coastal States for flights over the straits, and to avoid overflying the territory of a coastal

A/AC.138/SC.II/L.7
page 3

State, unless such overflight is provided for by the delimitation of the corridor designated by the coastal State;

(b) Overflying aircraft shall take all necessary steps to avoid causing any threat to the security of the coastal States, and in particular military aircraft shall not in the area of the straits engage in any exercises or gunfire, use weapons of any kind, take aerial photographs, circle or dive down towards ships, take on fuel or engage in other acts of a nature unrelated to the overflight;

(c) Liability for any damage which may be caused to the coastal States as a result of the overflight of aircraft over the straits shall rest with the State to which the aircraft that has caused the damage belongs, or with juridical persons under its jurisdiction or acting on its behalf;

(d) No State shall be entitled to interrupt or stop the overflight of foreign aircraft, in accordance with this article, in the airspace over the straits.

3. The provisions of this article:

(a) shall apply to flights by aircraft over straits lying within the territorial waters of one or more coastal States;

(b) shall not affect the legal régime of straits over which overflight is regulated by international agreements specifically relating to such straits.



UNITED NATIONS



**THIRD CONFERENCE
ON THE LAW OF THE SEA**

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Second Committee

PEOPLE'S REPUBLIC OF BULGARIA, CZECHOSLOVAK SOCIALIST REPUBLIC,
GERMAN DEMOCRATIC REPUBLIC, POLISH PEOPLE'S REPUBLIC, UKRAINIAN
SOVIET SOCIALIST REPUBLIC, UNION OF SOVIET SOCIALIST REPUBLICS:
DRAFT ARTICLES ON STRAITS USED FOR INTERNATIONAL NAVIGATION

Article 1

1. In straits used for international navigation between one part of the high seas and another part of the high seas, all ships in transit shall enjoy the equal freedom of navigation for the purpose of transit passage through such straits.

In the case of narrow straits or straits where such provision is necessary to ensure the safety of navigation, coastal States may designate corridors suitable for transit by all ships through such straits. In the case of straits where particular channels of navigation are customarily employed by ships in transit, the corridors shall include such channels. In the case of any change of such corridors, the coastal State shall give notification of this to all other States in advance.

2. The freedom of navigation provided for in this article for the purpose of transit passage through straits shall be exercised in accordance with the following rules:

(a) Ships in transit through the straits shall not cause any threat to the security of the coastal States of the straits, or to their territorial inviolability or political independence. Warships in transit through such straits shall not in the area of the straits engage in any exercises or gunfire, use weapons of any kind, launch or land their aircraft, undertake hydrographical work or engage in other similar acts unrelated to the transit. In the event of any accidents, unforeseen stops in the straits or any acts rendered necessary by force majeure, all ships shall inform the coastal States of the straits;

(b) Ships in transit through the straits shall strictly comply with the international rules concerning the prevention of collisions between ships or other accidents.

In all straits where there is heavy traffic, the coastal State may, on the basis of recommendations by the Inter-Governmental Maritime Consultative Organization, designate a two-way traffic separation governing passage, with a clearly indicated dividing line. All ships shall observe the established order of traffic and the dividing line. They shall also avoid making unnecessary manoeuvres;

C-036C

A/CONF.62/C.2/L.11
English
Page 2

(c) Ships in transit through the straits shall take all precautionary measures to avoid causing pollution of the waters and coasts of the straits, or any other kind of damage to the coastal States of the straits. Supertankers in transit through the straits shall take special precautionary measures to ensure the safety of navigation and to avoid causing pollution;

(d) Liability for any damage which may be caused to the coastal States of the straits, their citizens or juridical persons by the ship in transit, shall rest with the owner of the ship or other person liable for the damage, and in the event that such compensation is not paid by them for such damage, with the flag-State of the ship;

(e) No State shall be entitled to interrupt or suspend the transit of ships through the straits, or engage therein in any acts which interfere with the transit of ships, or require ships in transit to stop or communicate information of any kind;

(f) The coastal State shall not place in the straits any installations which could interfere with or hinder the transit of ships.

3. The provisions of this article:

(a) shall apply to straits lying within the territorial sea of one or more coastal States;

(b) shall not affect the sovereign rights of the coastal States with respect to the surface, the seabed and the living and mineral resources of the straits;

(c) shall not affect the legal régime of straits through which transit is regulated by international agreements specifically relating to such straits.

Article 2

In the case of straits leading from the high seas to the territorial sea of one or more foreign States and used for international navigation, the principle of innocent passage for all ships shall apply and this passage shall not be suspended.

Article 3

1. In the case of straits over which the air space is traditionally used for transit flights by foreign aircraft between one part of the high seas and another part of the high seas, all aircraft shall enjoy equal freedom of transit overflight over such straits. Coastal States may designate special air corridors suitable for overflight by aircraft, and special altitudes for aircraft flying in different directions, and may establish particulars for radio-communication with them.

2. The freedom of transit overflight by aircraft over the straits, as provided for in this article, shall be exercised in accordance with the following rules:

(a) Overflying aircraft shall take the necessary steps to keep within the boundaries of the corridors and at the altitude designated by the coastal States for

A/CONF.62/C.2/L.11
English
Page 3

flights over the straits, and to avoid overflying the land territory of a coastal State, unless such overflight is provided for by the delimitation of the corridor designated by the coastal State.

(b) Overflying aircraft shall not cause any threat to the security of the coastal States, their territorial inviolability or political independence; in particular military aircraft shall not in the area of the straits engage in any exercises or gunfire, use weapons of any kind, take aerial photographs, circle or dive down towards ships, take on fuel or engage in other similar acts unrelated to overflight;

(c) Liability for any damage which may be caused to the coastal States of the straits or their citizens or juridical persons by the aircraft overflying the straits shall rest with the owner of the aircraft or other person liable for the damage and in the event that compensation is not paid by them for such damage, with the State in which the aircraft is registered;

(d) No State shall be entitled to interrupt or suspend the transit overflight of aircraft, in accordance with this article, in the air space over the straits.

3. The provisions of this article:

(a) shall apply to transit flights by aircraft over straits lying within the territorial sea of one or more coastal States;

(b) shall not affect the legal régime of straits over which overflight is regulated by international agreements specifically relating to such straits.

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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

Union of Soviet Socialist Republics: Rough draft of
basic provisions on the question of the outer limit
of the continental shelf

- (1) The outer limit of the continental shelf may be established by the coastal State within the 500-metre isobath.
- (2) In areas where the 500-metre isobath referred to in paragraph (1) hereof is situated at a distance less than 100 nautical miles measured from the baselines from which the territorial sea is measured, the outer limit of the continental shelf may be established by the coastal State by a line every point of which is at a distance from the nearest point of the said baselines not exceeding 100 nautical miles.
- (3) In areas where there is no continental shelf, the coastal State may have the same rights in respect of the sea-bed as in respect of the continental shelf, within the limits provided for in paragraph (2) hereof.

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UNITED NATIONS



**THIRD CONFERENCE
ON THE LAW OF THE SEA**

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SECOND COMMITTEE

Byelorussian SSR, People's Republic of Bulgaria, German Democratic Republic, Polish People's Republic, Ukrainian SSR, and Union of Soviet Socialist Republics: draft articles on the economic zone

The delegations of the Byelorussian SSR, the People's Republic of Bulgaria, the German Democratic Republic, the Polish People's Republic, the Ukrainian SSR and the Union of Soviet Socialist Republics, noting the understanding reached at the Conference that all questions concerning the law of the sea are interrelated and must be resolved in the form of a "package deal", are prepared to agree to the establishment of an economic zone, as set forth in the present draft articles, on condition that mutually acceptable decisions are also accepted by the Conference on the other basic questions of the law of the sea (12-mile breadth of territorial waters, freedom of passage through international straits, freedom of navigation, freedom of scientific research, determination of the outer limits of the continental shelf, the sea-bed régime and the prevention of pollution of the sea environment).

C-0934

A/CONF.62/C.2/L.38

English

Page 2

SECTION I: GENERAL PROVISIONS

Article 1

The coastal State shall have the right to establish a zone, contiguous to its territorial sea, for the purposes of the preservation, exploration and exploitation of the living and mineral resources therein, to be known as the economic zone.

Article 2

The coastal State shall, within the limits of the economic zone, exercise in accordance with the present Convention sovereign rights over all living and mineral resources in the waters the sea-bed and the subsoil thereof.

Article 3

The economic zone shall not extend beyond the limit of 200 nautical miles, calculated from the baselines used to measure the breadth of the territorial waters.

Article 4

The rights of the coastal State in the economic zone shall be exercised without prejudice to the rights of all other States, whether having access to the sea or land-locked, as recognized in the provisions of the present Convention and in international law, including the right to freedom of navigation, freedom of overflight, and freedom to lay submarine cables and pipelines.

Article 5

Within the limits of the economic zone each State may freely carry out fundamental scientific research unrelated to the exploration and exploitation of the living or mineral resources of the zone. Scientific research in the economic zone related to the living and mineral resources shall be carried out with the consent of the coastal State.

Article 6

The coastal State shall exercise its rights and obligations in the economic zone in accordance with the provisions of the present Convention, with due regard to the legal aspects of the use of the high seas and bearing in mind the need for a rational exploitation of the natural resources of the sea and the preservation of the sea environment.

Article 7

1. Subject to the provisions of paragraphs 2 and 3 of the present article, the coastal State shall have the sovereign right to engage in, decide on and regulate, within the economic zone, the construction, operation and utilization of non-coastal installations and other facilities, set up for purposes of exploration and exploitation of the natural resources of the economic zone.

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English

Page 3

2. The coastal State shall ensure compliance with the agreed international standards concerning the breadth of the safety zone around non-coastal installations and other facilities and navigation beyond the limits of the safety zone but close to such non-coastal installations and other facilities.

3. None of the installations and other facilities or safety zones around them mentioned in paragraphs 1 and 2 of the present article may be set up in places where they might be a hindrance to the use of the regular sea routes which are of essential importance to international navigation, or of areas which are of special importance to fishing.

Article 8

In exercising their rights under the present Convention States shall not hinder the exercise of the rights or the fulfilment of the obligations of the coastal State in the economic zone.

Article 9

The coastal State and all other States shall ensure that all activities for the preservation, exploration and exploitation of the living and mineral resources in the economic zone are carried out solely for peaceful purposes.

Article 10

No economic zone must be established by any State which has dominion over or controls a foreign territory in waters contiguous to that territory.

SECTION II: FISHERIES

Article 11

1. In the exercise of its rights over the living marine resources in the economic zone, the coastal State shall, through appropriate regulations, ensure the rational exploitation and the maximum use and preservation of such resources for the purpose of increasing the production of food-stuffs derived from such resources.

2. The coastal State shall co-operate with the appropriate regional and international organizations concerned with fishery matters when exercising its rights over living resources in the economic zone and, taking into account their recommendations, shall maintain the maximum allowable catch of fish and other living resources.

Article 12

On the basis of appropriate scientific data and in accordance with the recommendations of the competent international fishery organizations consisting of

A/CONF.62/C.2/L.38
English
Page 4

representatives of interested States in the region concerned and other States engaged in fishing in the region, the coastal State shall determine in the economic zone:

- (a) The allowable annual catch of each species of fish or other living marine resources except highly migratory species of fish;
- (b) The proportion of the allowable annual catch of each species of fish or other living marine resources that it reserves for its nationals;
- (c) That part of the allowable annual catch of fish or other living marine resources that may be taken by other States holding licences to fish in the economic zone in accordance with articles 15 and 16 of this Convention;
- (d) Measures to regulate the exploitation of living marine resources;
- (e) Measures to conserve and renew living marine resources.
- (f) Regulations for monitoring the observance of the measures specified in subparagraphs (d) and (e).

Article 13

Measures for the conservation, exploration and exploitation of living marine resources and for the monitoring of their observance may not discriminate in form or content against the fishermen of any other State.

Article 14

The size of the allowable annual catch, and the measures for the conservation, exploration and exploitation of living marine resources in the economic zone shall be established with due regard to appropriate economic factors and to environmental factors and in accordance with internationally agreed rules.

Article 15

1. If a coastal State does not take 100 per cent of the allowable annual catch of any stocks of fish or other living marine resources in the economic zone, fishermen of other States shall be granted licences to fish for the unused part of such catch.

A/CONF.62/C.2/L.35

English

Page 5

2. Permission for foreign fishermen to fish in the economic zone of a developed coastal State shall be granted on an equitable basis and in accordance with the provisions of articles 16, 19 and 20 of this Convention.

3. Foreign fishermen may be allowed to fish in the economic zone of a developing coastal State by the grant of a special licence and in accordance with the provisions of articles 16, 17, 18, 19 and 20 of this Convention.

Article 16

When granting foreign vessels permission to fish in the economic zone and in order to ensure an equitable distribution of living resources, a coastal State shall observe, while respecting the priority of the States specified in articles 18 and 19 of this Convention, the following order:

(a) States which have borne considerable material and other costs of research, discovery, identification and exploitation of living resource stocks, or which have been fishing in the region involved;

(b) Developing countries, land-locked countries, countries with narrow access to the sea or with narrow continental shelves, and countries with very limited living marine resources;

(c) All other States without discrimination.

Article 17

Any questions of payment for the grant of licences to foreign fishermen to fish in the economic zone of a developing coastal State shall be settled in accordance with the provisions of this Convention and the recommendations of the competent international fishery organizations and by agreement between the States concerned.

Payment for fishing permits granted to foreign fishermen in the economic zone of a developing coastal State shall be levied on a reasonable basis and may take various forms.

Article 18

Neighbouring developing coastal States may allow each other's nationals the right to fish in a specified area of their economic zones on the basis of long and mutually recognized use. The conditions for the exercise of this right shall be established by agreement between the States concerned, and such right cannot be transferred to a third party.

Article 19

Developing States which are land-locked or which have a narrow outlet to the sea or a narrow continental shelf shall enjoy the privilege of fishing in the economic zone of a neighbouring coastal State on the basis of equality with the nationals of that State. The conditions governing the enjoyment of this privilege shall be worked out by agreement between the parties concerned.

A/CONF.62/C.2/L.38
English
Page 6

Article 20

1. Coastal States in whose rivers anadromous species of fish (salmonidae) spawn shall have sovereign rights over such fish and all other living marine resources within the economic zone and preferential rights outside the zone in the migration area of anadromous fish.
2. Fishing by foreign fisheries for anadromous species may be carried on by an agreement between the coastal State and another interested State establishing regulatory and other conditions governing fishing by foreign nationals.
3. Priority in obtaining the right to fish for anadromous species shall be given to States participating jointly with the coastal States in measures to renew that species of fish, particularly in expenditure for that purpose, and to States which have traditionally fished for anadromous species in the region concerned.

Article 21

In order to enable the fishing fleets of other States whose fishermen have habitually fished in the economic zone established pursuant to article 1 of this Convention to change over to working under the new conditions, a coastal State shall continue to grant the fishermen specified in this article the right to fish in the economic zone for a transition period of not less than three years after the entry into force of this Convention.

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GENERAL
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USSR
Treaty
43

COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND THE
LIMITS OF NATIONAL JURISDICTION

UNION OF SOVIET SOCIALIST REPUBLICS:
PROVISIONAL DRAFT ARTICLES OF A TREATY ON THE USE
OF THE SEA-BED FOR PEACEFUL PURPOSES

The States Parties to this Treaty,

Attaching great importance to the rational and orderly use of the sea-bed and the subsoil thereof beyond the limits of the continental shelf exclusively for peaceful purposes and for the benefit of the peoples of all countries,

Considering that co-operation in this field between States, on the basis of a treaty, would contribute to the maintenance of international peace and security and to the development of international co-operation, and would also promote the utilization of the resources of the sea-bed in the interests of economic progress, including the interests of the economies of the peoples of the developing countries,

Noting the great importance of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and in the Subsoil Thereof, as an important step towards the exclusion of the sea-bed and the ocean floor from the arms race,

Recalling General Assembly resolution 2749 (XXV) approving the Declaration of Principles Governing the Sea-Bed and the Ocean Floor and the Subsoil Thereof beyond the Limits of National Jurisdiction, which provides inter alia that an international régime applying to the sea-bed and the subsoil thereof shall be established by "an International Treaty of a universal character, generally agreed upon",

Convinced that the conclusion of a Treaty on the Use of the Sea-Bed for Peaceful Purposes will contribute to the realization of the Purposes and Principles of the United Nations Charter and to the strengthening of the principles of international law governing the freedom of the seas, including the freedom of research,
GE.71-17212

A/AC.138/43
page 2

Have agreed as follows:

Article 1

The sea-bed and the subsoil thereof within the limits specified in articles 2 and 3 of this Treaty shall be open to use exclusively for peaceful purposes by all States, whether coastal or land-locked, without any discrimination whatsoever.

Article 2

The provisions of this Treaty shall apply to the sea-bed of the high seas and the subsoil thereof beyond the limits of the continental shelf. In areas where there is no continental shelf, the provisions of this Treaty shall apply to the sea-bed of the high seas, beginning at the demarcation line provided for in article 3 of this Treaty.

Article 3

(Question of the limits of the sea-bed)

Article 4

The use of the sea-bed and the subsoil thereof for the purpose of exploring and exploiting its resources shall not conflict with the principles of freedom of navigation, fishing, research and other activities on the high seas.

Article 5

1. No State shall claim or exercise sovereignty or sovereign rights over any part of the sea-bed or the subsoil thereof. States Parties to this Treaty shall not recognize any such claim or exercise of sovereignty or sovereign rights.
2. Similarly, the sea-bed and the subsoil thereof shall not be subject to appropriation by any means, by States or persons, natural or juridical.

Article 6

1. The use of the sea-bed and the subsoil thereof for military purposes shall be prohibited.
2. None of the provisions of this Treaty may be applied or construed in a manner prejudicial to any measures which have been or may be agreed upon in the context of international disarmament negotiations and which may be applicable to an area larger than that specified in articles 2 and 3 of this Treaty.
3. Similarly, none of the provisions of this Treaty may be regarded as an impediment to the conclusion or application of disarmament agreements relating to the sea-bed, including the application of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof.

A/AC.138/43
page 3

4. With a view to the effective implementation of the provisions of paragraph 1 and of the measures provided for in paragraph 2 of this article, and also with a view to the exclusion of the sea-bed and the subsoil thereof from the arms race, the States Parties to this Treaty undertake to conclude further international agreements as soon as possible.

Article 7

In regard to the sea-bed and the subsoil thereof, States shall act in accordance with the principles and rules of international law, including the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, and also in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, in the interests of maintaining international peace and security and in the interests of the peaceful co-existence of States with different social systems and the promotion of international co-operation and mutual understanding.

Article 8

The industrial exploration of the sea-bed and the subsoil thereof and the exploitation of their resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether coastal or land-locked, and taking into particular consideration the interests and needs of the developing countries.

Article 9

(Question of licences for industrial exploration
and exploitation of sea-bed resources)

Article 10

1. With a view to the industrial exploration and exploitation of the resources of the sea-bed and the subsoil thereof, stationary and mobile installations may be erected and emplaced.
2. The installations referred to in paragraph 1 of this article shall not be placed in straits and at points where they may obstruct passage on sea-lanes of vital importance for international shipping or at points of intense fishing activities. Such installations shall be erected, emplaced and operated in accordance with article 12 of this Treaty. Safety zones shall be established around these installations, with appropriate navigational markings to ensure the safety both of the installations themselves and of shipping.

A/AC.138/43

page 4

3. The safety zones referred to in paragraph 2 of this article may extend for a distance of 500 metres around the installations erected, measured from each point of their periphery. The configuration and location of the safety zones in each area of the world's oceans shall be such that they do not together form a belt barring the access of shipping to particular maritime zones or cutting across international sea-lanes.
4. Installations for the exploitation of the resources of the sea-bed and the subsoil thereof shall be erected and emplaced by States within the limits of the sectors of the sea-bed used by them. On the expiry of the period for which a sector has been allocated to a State, such installations shall be dismantled and removed, unless another State to which the same sector has been allocated under the procedure specified in this Treaty acquires the said installations for the purpose of exploiting the resources of the sector.
5. The construction or emplacement of any under-water or surface installations for the exploration and exploitation of the resources of the sea-bed and the subsoil thereof, and also the removal of such installations, shall immediately be notified by Notices to Mariners or other generally recognized means of notification. Measures shall also be taken to maintain means of warning mariners of the presence of such installations.
6. Such installations shall not possess the status of islands and shall have no territorial sea, and their presence shall not affect the determination of the limits of the territorial sea or of the limits of the sea-bed in accordance with article 3 of this Treaty.

Article 11

1. All types of activities by States on the sea-bed and in the subsoil thereof, as provided for in this Treaty, shall be undertaken in compliance with the rules for the protection of human life at sea.
2. States engaged in the industrial exploration or exploitation of the resources of the sea-bed and the subsoil thereof shall take appropriate measures and co-operate with one another to prevent pollution and contamination of the marine environment and also to prevent interference with its ecological balance as a result of activities on the sea-bed. Furthermore, such activities must not cause damage to the flora and fauna of the marine environment.
3. The aforementioned States shall establish rules for the operational safety of the installations referred to in article 11 of this Treaty, and shall co-operate with one another in this regard.

Article 12

1. The industrial exploration and exploitation of the resources of the sea-bed and the subsoil thereof shall not create any unjustifiable obstacles to activities in the marine environment which are conducted in accordance with the generally recognized principles of international law.
2. Accordingly, the dimensions and configuration of sectors of the sea-bed used for the exploitation of the resources of the sea-bed and the subsoil thereof, the location of these sectors in relation to one another and the number of sectors in a particular area of the world's oceans shall not be such that the sectors (even with spaces between them) together form a belt across maritime zones through which the vessels of States having no coastline on the Atlantic, Pacific or Indian Oceans make their way to the waters of these oceans or to the international sea-lanes crossing them.
3. The foregoing provision shall apply also to areas in which the industrial exploration of the resources of the sea-bed and the subsoil thereof is being undertaken and to the number and location of the installations erected for the industrial exploration of the resources of the sea-bed and the subsoil thereof.
4. Installations erected for the industrial exploration or exploitation of the resources of the sea-bed and the subsoil thereof shall not be used for military purposes of any kind. In particular, they shall not be used for the emplacement, storage or testing of any military equipment or weapons.
5. Shipping and other activities in the marine environment in the areas in question shall be exercised with reasonable regard for the industrial exploration and exploitation of the aforementioned resources, provided that activities on the sea-bed and in the subsoil thereof are conducted in accordance with the provisions of paragraphs 1-4 of this article.

Article 13

States Parties shall, in accordance with the provisions of this Treaty, take steps for the orderly and rational exploitation of the resources of the sea-bed and the subsoil thereof.

Article 14

(Question of the distribution of benefits)

Article 15

1. A State Party to this Treaty, which has grounds for believing that activities on the sea-bed by another State Party are contrary to the provisions of this Treaty, may request that consultations be held on the subject of those activities.

1/10.138/43
page 6

2. States Parties to the Treaty shall not, as a rule, refuse requests for consultations as provided for in paragraph 1 of this article.
3. In the event that a request for consultations is refused, the States concerned shall settle their dispute in accordance with the procedure provided for in article 22, paragraph 2 (i), of this Treaty.

Article 16

1. A State Party to the Treaty shall be responsible for ensuring that activities connected with the industrial exploration and exploitation of the resources of the sea-bed, including the activities of natural and juridical persons under its jurisdiction or acting on its behalf, are conducted in accordance with this Treaty.
2. A State Party to the Treaty shall be responsible for any damage caused to another State Party to the Treaty as a result of activities on the sea-bed.

Article 17

1. The International Sea-Bed Resources Agency, of which States Parties to this Treaty may become members, is hereby established.
2. The principal organs of the International Agency shall be the Conference of States members of the Agency and the Executive Board.
3. The administrative and technical servicing of the activities of the Agency and its organs shall be undertaken by the Secretariat, headed by the Executive Secretary.

Article 18

1. The Conference of the Agency shall be composed of all States members of the Agency.
2. The functions of the Conference shall be to:
 - (a) Establish the Executive Board;
 - (b) Consider and approve the Agency's administrative budget;
 - (c) Consider general questions relating to the exploitation of the resources of the sea-bed and the subsoil thereof;
 - (d) Adopt resolutions, on the recommendation of the Executive Board, depriving States of the rights and privileges arising from membership of the Agency, in the event of systematic violations of the provisions of this Treaty, and adopt resolutions, depriving States of the said rights and privileges on the recommendation of the United Nations Security Council;
 - (e) Consider the reports of the Executive Board;
 - (f) Appoint, on the recommendation of the Executive Board, the Executive Secretary of the Agency, and consider questions concerning the staff of the Secretariat;

- (g) Draft general principles and also recommendations to States concerning the prevention of pollution and contamination of the marine environment as a result of the exploration and exploitation of sea-bed resources;
- (h) Consider other questions which may arise in connexion with application of this Treaty, unless they come within the competence of the Executive Board.

Article 19

Regular sessions of the Conference shall be convened every two years. Extraordinary sessions may be held at the request of the Executive Board or a majority of the Parties to this Treaty.

Article 20

- 1. Each State participating in the Conference shall have one vote.
- 2. Decisions by the Conference on questions of substance shall be made by a two-thirds majority of the members of the Agency present and voting; decisions on procedural questions shall be made by a simple majority.

Article 21

- 1. The Executive Board shall consist of thirty States. The Board shall accordingly include five States from each of the following groups of countries:
 - (a) the socialist countries,
 - (b) the countries of Asia,
 - (c) the countries of Africa,
 - (d) the countries of Latin America,
 - (e) the western European and other countries not coming within the categories specified in sub-paragraphs (a) to (d) of this paragraph;and (f) one land-locked country from each of the aforementioned groups of States.
- 2. Members of the Executive Board shall be elected for a term of four years.

Article 22

- 1. The Board shall be the executive organ of the International Agency.
- 2. The functions of the Board shall be to:
 - (a) Supervise the implementation of the provisions of this Treaty by States Parties to the Treaty, and supervise activities in connexion with the industrial exploration and exploitation of the resources of the sea-bed and the subsoil thereof;
 - (b) Co-ordinate the activities of States Parties to this Treaty in the industrial exploration of the resources of the sea-bed and the subsoil thereof, and make a general evaluation, on the basis of data obtained from States, of the reserves of proven resources of the area over which they extend and their geographical distribution on the sea-bed, and also of the depth at which they occur in the subsoil;

A/AG.138/43
page 8

- (c) (Functions in regard to the issue of licences);
- (d) (Functions in regard to the distribution of benefits);
- (e) Supervise compliance with the provisions of articles 10 and 12 of this Treaty;
- (f) Consider specific problems arising for land-locked countries in connexion with the exploration and exploitation of the resources of the sea-bed and the subsoil thereof;
- (g) Promote exchanges of scientific and technical information on questions concerning the exploration and exploitation of the resources of the sea-bed and the subsoil thereof;
- (h) Adopt recommendations to States Parties to this Treaty concerning ways of preventing pollution of the marine environment and damage to the living resources of the sea as a result of the industrial exploration and exploitation of the resources of the sea-bed and the subsoil thereof;
- (i) Assist in settling disputes between States concerning implementation of this Treaty, by applying the means for peaceful settlement listed in Article 33 of the United Nations Charter; and establish, at the request of parties to a dispute, organs of conciliation, arbitration, etc., for settling the dispute;
- (j) Consider other questions arising out of the provisions of this Treaty.

Article 23

1. Decisions of the Executive Board on questions of substance shall be made by agreement; decisions on procedural questions shall be made by the majority of the members of the Board present and voting.
2. Decisions relating to article 22, paragraph 2 (i) shall be considered as adopted only if the parties to the dispute so agree.
3. Sessions of the Executive Board shall be held not less than once a year.

Article 24

Any State Party to the Treaty which is not represented on the Executive Board may, if the question under consideration directly affects its interests, participate in the discussions in the Executive Board, without the right to vote.

Article 25

Neither this Treaty nor any rights granted or exercised pursuant thereto shall affect the legal status of the superjacent waters of the high seas, or the legal status of the air space above those waters.

Article 26

None of the provisions of this Treaty or the rights granted to the International Sea-Bed Resources Agency or its organs, and similarly none of the functions exercised by

A/AC.138/43
page 9

the Agency or its organs, shall mean that the Agency has jurisdiction over the sea-bed and the subsoil thereof or shall give the Agency rights or legal grounds to consider the sea-bed and the subsoil thereof as owned, possessed or used by it, or at its disposal.

Article 27

1. Neither this Treaty nor any rights granted or exercised pursuant thereto shall affect the freedom of research on the sea-bed and the subsoil thereof.
2. Without prejudice to the freedom of research referred to in paragraph 1 of this article, the States Parties to the Treaty agree, in the interests of the effective exploitation of the resources of the sea-bed and the subsoil thereof, to promote international co-operation in research on the resources of the sea-bed and the subsoil thereof, in particular by:
 - (a) participating in international programmes and encouraging co-operation between scientists of different countries in the conduct of research;
 - (b) publishing programmes and disseminating the results of research, through international as well as other channels;
 - (c) co-operating in measures to expand the research facilities of the developing countries, including measures to increase the participation of the nationals of those countries in research.

Article 28

This Treaty shall be open for signature by all States. Any State which does not sign the Treaty before it enters into force may accede to it at any time thereafter.

Article 29

(Other final clauses)



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COMMITTEE ON THE PEACEFUL USES OF
THE SEA-BED AND THE OCEAN FLOOR
BEYOND THE LIMITS OF NATIONAL
JURISDICTION
SUB-COMMITTEE III

Union of Soviet Socialist Republics: draft articles for a
convention on general principles for the preservation of
the marine environment

Article 1

Scope of the Convention

The provisions of this Convention shall apply to the areas of the world ocean including the continental shelf but excluding States' territorial waters. States hereby assume the obligation to ensure that activities carried out under their jurisdiction to preserve the marine environment within their territorial waters do not cause damage to the environment of other States or of maritime zones beyond the limits of their territorial waters.

Article 2

Obligation to prevent pollution of the marine environment

States undertake to adopt all necessary measures, including legislation, in order to prevent pollution of the marine environment from any source, whether marine-based, land-based or shore-based, including rivers, estuaries, water-pipes, oil pipe-lines, the atmosphere, ships, aircraft, platforms and installations, by substances which may be harmful to human health or to marine organisms or interfere with legitimate uses of the world ocean.

Article 3

Liability for pollution of the marine environment

Each State shall be held liable for pollution causing damage to the marine environment whenever such pollution results from activities carried out by official organs of that State or by its physical and juridical persons.

73-05105

A/AC.138/SC.III/L.32
English
Page 2

Article 4

Co-operation among States

1. Every State shall co-operate with other States and with competent international organizations for the purpose of expanding scientific programmes and research on pollution of the marine environment. They shall encourage the mutual exchange of data and scientific information relating to the prevention of marine pollution.

2. States agree to co-operate with each other, on a global or regional basis, in developing a mutually acceptable methodology of rules and standards for the prevention of marine pollution.

Article 5

Mutual assistance between States

States agree to provide assistance to each other, when it is requested, for the elimination of the effects of major accidents, such as those involving supertankers, which may cause serious pollution of the marine environment. Such assistance will be given in the first instance to coastal developing States.

Article 6

Scientific and technical assistance for developing countries

Scientific and technical assistance in the prevention of pollution of the marine environment will be given to developing countries at their request through the transfer of the necessary scientific and technical information, the preparation of educational programmes and the training of experts and specialists.

Article 7

States' freedom of activity at sea

1. States agree that any rules and standards relating to the prevention of pollution of the marine environment adopted at the national and international levels should take into account the need to provide for and ensure on the high seas freedom of navigation and of fisheries and the freedom to conduct research and other normal activities of States.

2. The rules and standards adopted by States for the prevention of pollution of the marine environment should not infringe upon the immunity of vessels and aircraft which enjoy such immunity under international law.

A/AC.138/SC.III/L.32
English
Page 3

Article 8

Other conventions on preservation of the marine environment

The provisions of this Convention shall be without prejudice to the specific obligations assumed by States under special conventions and agreements concluded previously which relate to the prevention of pollution of the marine environment nor to agreements which may be concluded in furtherance of the general principles set forth in this Convention.



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COMMITTEE ON THE PEACEFUL USES
OF THE SEA-BED AND THE OCEAN
FLOOR BEYOND THE LIMITS OF
NATIONAL JURISDICTION

SUB-COMMITTEE III

Working Paper submitted by the People's Republic of
Bulgaria, the Ukrainian Soviet Socialist Republic
and the Union of Soviet Socialist Republics

Basic principles concerning international co-operation
in marine scientific research

It could be stated in the preamble that:

- Further progress in marine scientific research for peaceful purposes is in the common interest of all mankind;
- Knowledge of all aspects of the natural processes and phenomena occurring in the ocean, including the sea-bed and the ocean floor, is of great significance;
- Marine scientific research will promote the practical utilization of marine areas and resources and will facilitate action to deal with natural disasters;
- Marine scientific research should be conducted for the benefit of all countries irrespective of their degree of economic and technological development;
- Assistance to marine scientific research would help to increase the well-being of the peoples of the world, particularly in the developing countries;
- A comprehensive knowledge of the oceans can only be acquired by uniting the scientific capacities and combining the efforts of States;
- It is essential to extend international co-operation in marine scientific research and to establish the most favourable conditions for conducting such research.

The basic principles might be formulated as:

1. Inter-State co-operation in the further development of marine scientific research and the combined efforts of scientists in studying the nature and interrelationships of oceanic phenomena and processes are an essential condition for the efficient and rational exploitation of the wealth and resources of the seas and the oceans in the interests of all countries.

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A/AC.138/SC.III/L.23
page 2

2. International co-operation in conducting marine scientific research shall serve peaceful purposes and help to increase the well-being of the peoples of all countries.

3. Marine scientific research shall be conducted in conformity with the universally-recognized principles and standards of international law, including the United Nations Charter.

The high seas are open to the unhampered pursuit of scientific research work by all States on a basis of equality, without discrimination of any kind.

4. States shall co-operate with one another in providing favourable conditions for the conduct of marine scientific research and in the removal of obstacles to such research. In particular, in the interests of international co-operation, States shall, within the framework of their national laws and regulations, facilitate the entry into their ports of ships conducting marine scientific research by simplifying the relevant procedure.

5. States shall co-operate in adopting measures designed to extend the research opportunities of developing and land-locked countries, including the participation of the nationals of such countries in scientific research work, the provision of scientific training and the exchange of experience in the conduct of scientific research work.

6. All States may take part in international marine scientific research programmes and will encourage the participation of their own scientists in the work envisaged under those programmes.

7. States and international organizations shall co-operate under the auspices of the UNESCO Intergovernmental Oceanographic Commission in conducting marine scientific research in accordance with the long-term and expanded programme of oceanic exploration and research.

8. States shall endeavour in every way to stimulate the mutual exchange of scientific data, and shall make such data available to the developing countries as part of the scientific and technical assistance they provide to those countries.

9. States shall adopt and encourage measures to ensure the publication and wide dissemination of the results of marine scientific research, inter alia, through the system of world and regional data centres.

10. All States shall co-operate with each other in preventing hindrances to the normal functioning and safe preservation of stationary and mobile, manned and unmanned, equipment and installations on the high seas carrying scientific apparatus and intended for making scientific measurements and experiments.

A/AC.138/SC.III/L.23
page 3

11. Marine scientific research shall be carried out without causing damage to the environment which might entail the disturbance of ecological balances therein.
12. Marine scientific research shall be conducted without causing danger to navigation or unwarranted interference with fishing. Where necessary, appropriate notifications of when and where experiments are to be conducted shall be provided in good time.
13. States shall bear international responsibility for national activities connected with marine scientific research, whether such activities are conducted by government bodies or by individuals or bodies corporate under their jurisdiction.
14. No such activity shall constitute legal grounds for any claims to any part of the seas or oceans or their resources.
15. These principles shall extend equally to scientific research carried out on the sea-bed and the ocean floor beyond the limits of the continental shelf.



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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE III

Bulgaria, Poland, Ukrainian Soviet Socialist Republic,
Union of Soviet Socialist Republics: draft article for
a convention on scientific research in the world ocean

Article 1

Definition of scientific research

Scientific research in the world ocean means any fundamental or applied research and related experimental work, conducted by States and their juridical and physical persons, as well as by international organizations, which does not aim directly at industrial exploitation but is designed to obtain knowledge of all aspects of the natural processes and phenomena occurring in ocean space, on the sea-bed and in the subsoil thereof, which is necessary for the peaceful activity of States for the further development of navigation and other forms of utilization of the sea and also utilization of the air space above the world ocean.

Article 2

Principle of freedom of scientific research

All States, irrespective of their geographical location, as well as international organizations, shall enjoy on a basis of equality and without any discrimination the right of freedom to conduct scientific research in the world ocean.

The term "world ocean" as used in this Convention covers all ocean space, the sea-bed and the subsoil thereof, with the exception of internal and territorial waters and the bed and subsoil of the continental shelf.

73-05088

A/AC.138/SC.III/L.31
English
Page 2

Article 3

Means by which scientific research may be conducted

Scientific research in the world ocean may be conducted through the use of all types of vessels, platforms, floating stations, mobile or fixed installations, aircraft and other means, both specially designed and adapted or used for such purposes, using the appropriate scientific methods and equipment.

Article 4

Co-operation among States in the conduct of scientific research

States agree to co-operate with one another through the conclusion of bilateral and multilateral agreements in creating favourable conditions for the conduct of scientific research in the world ocean for peaceful purposes, the removal of obstacles to such research and the uniting of efforts by scientists in studying the essence of and the interrelations between the phenomena and processes occurring in the world ocean.

Article 5

Provision of assistance to developing countries and
land-locked countries

States shall co-operate in carrying out measures designed to extend the research capacity of the developing countries and the land-locked countries, including participation of scientists from such countries in scientific research, training of scientific staff from among their nationals and the transfer of expertise in the conduct of scientific research work.

Article 6

Participation of States in international scientific
research programmes

All States may participate in the conduct of international scientific research programmes in the world ocean, and shall encourage participation of their scientists in carrying out the measures provided for by such programmes. States shall co-operate in the implementation of the long-term and expanded programme of oceanic exploration conducted under the auspices of UNESCO's Intergovernmental Oceanographic Commission.

Article 7

Exchange and publication of scientific data

States shall encourage the mutual exchange of scientific data obtained as a result of the conduct of research, and especially the provision of such data to developing countries as part of the scientific and technical assistance provided to them.

A/AC.138/SC.III/L.31

English

Page 3

States shall also adopt and encourage measures to ensure the publication and broad dissemination of the results of scientific research in the world ocean, inter alia through the system of world and regional data centres.

Article 8

Simplified procedure for the entry of scientific research
vessels into ports and internal maritime waters

States shall, in the interests of international co-operation and in order to facilitate the conduct of scientific research, adopt measures, including legislation, to simplify the procedure for the entry of vessels conducting scientific research work in the world ocean into their ports and internal maritime waters.

Article 9

Legal status of installations and facilities for
scientific research

Fixed scientific research installations, whether standing on the ground or at anchor, and also floating stations or mobile installations, shall be subject to the jurisdiction of the State which installed them. However, they shall not possess the status of islands or have their own territorial waters, and their presence shall not affect the determination of the limits of the continental shelf.

Article 10

Safety of navigation and the principle of freedom
of the high seas

Safety zones may be established around fixed and temporary installations and facilities at a distance of not more than 500 metres from their outer edges. Such installations and facilities shall not be placed at points where they may obstruct international sea-lanes or air routes, or in areas of intense fishing activity.

Notice shall be given in accordance with existing maritime practice of the erection and removal of all installations and facilities.

Fixed and floating stations and installations shall bear identification markings indicating the State or international organization to which they belong, and shall carry the necessary permanent warning devices, such as signs and signals, to ensure the safety of navigation on and overflight of the high seas.

Scientific research in the world ocean shall not be subjected to unjustified interference, nor shall scientific research itself cause unjustified interference with navigation, fishing, overflight in air space or any other legal activity in the world ocean.

A/AC.138/SC.III/L.31

English

Page 4

Article 11

Prevention of pollution of the marine environment

Existing international norms to prevent pollution of the marine environment shall be respected in the conduct of scientific research, with a view to protecting the environment from harmful effects which may interfere with its ecological balance.

Article 12

Scientific research in territorial waters and on the continental shelf

Scientific research in territorial waters and on the continental shelf may be conducted only with the consent of the coastal State.

The coastal State shall have the right to participate or be represented in the research.

Scientific data on the results of research in the territorial waters or on the continental shelf of a coastal State shall be made available to that State on the basis of mutual agreement.

Article 13

Responsibility for possible damage caused during the conduct of scientific research

States shall be held internationally liable for national activity in the world ocean, irrespective of whether it is carried out by government organs or by juridical or physical persons, and for ensuring that national activities are conducted in accordance with the provisions of this Convention.

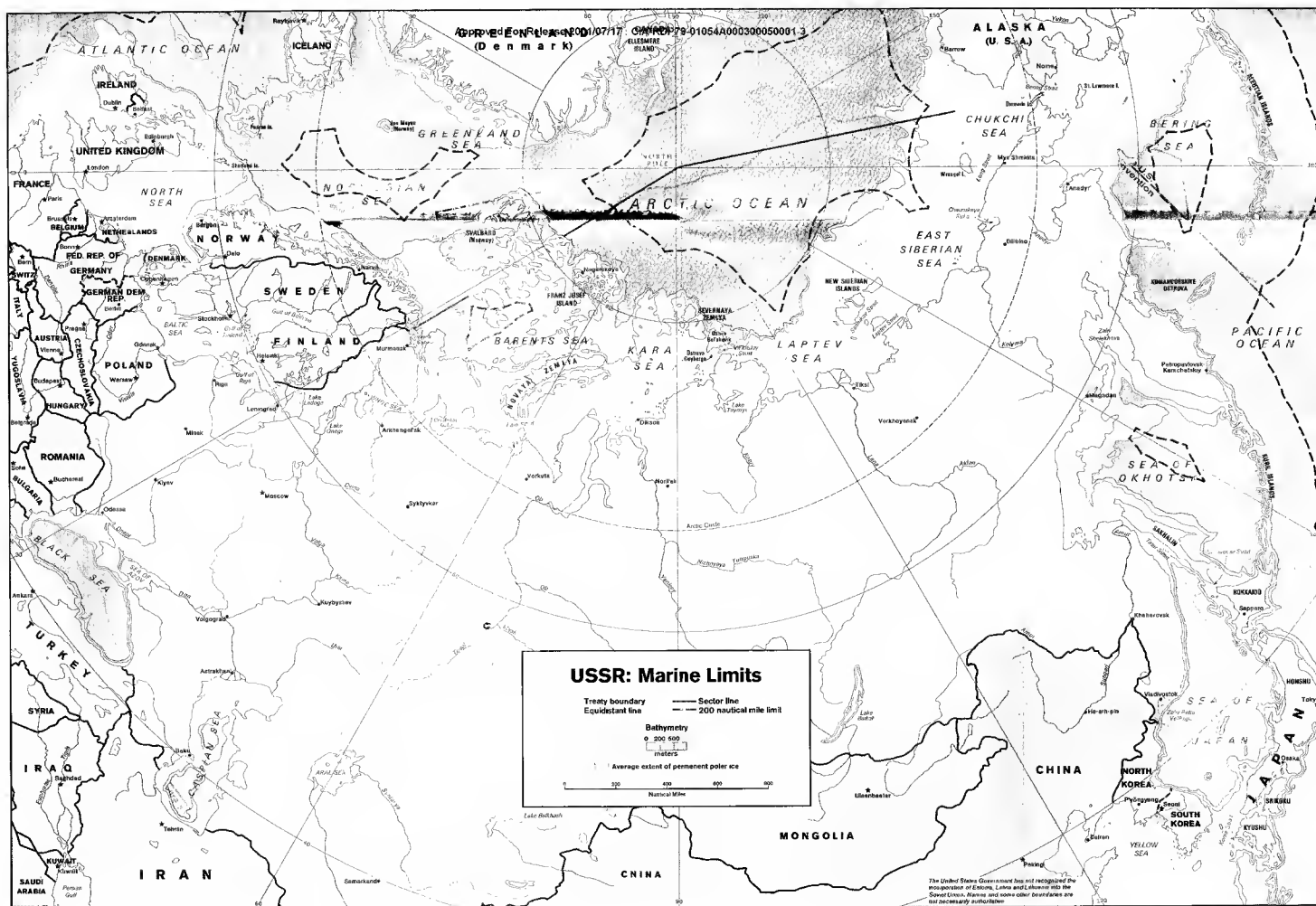
States shall be held internationally liable for damage which may be caused to other States, to their juridical or physical persons, or to international organizations during the conduct of scientific research in the world ocean, on the sea-bed and in the subsoil thereof.

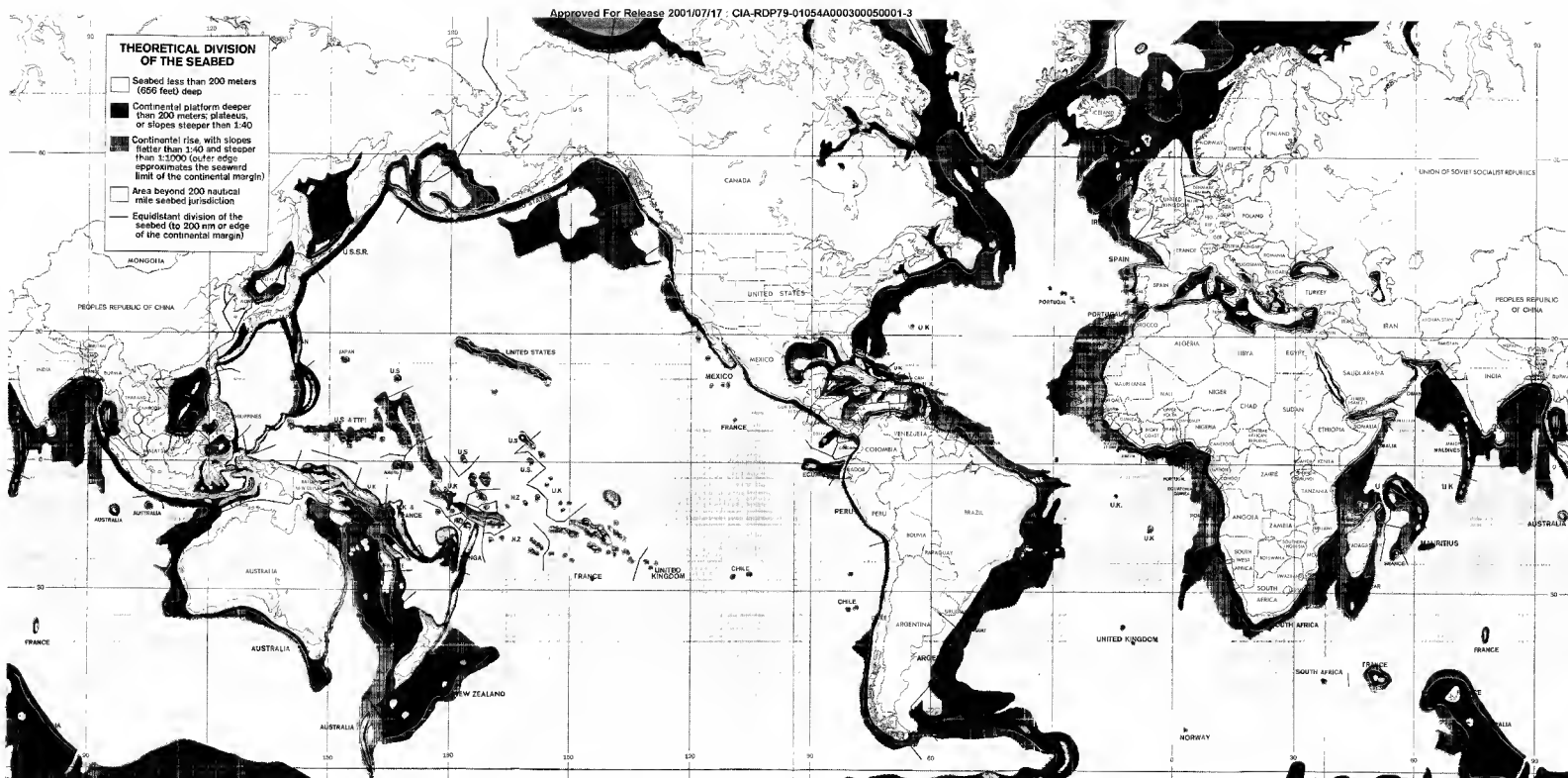
Article 14

Obligations under the United Nations Charter and other international agreements

In implementing the provisions of this Convention, States shall act in accordance with the purposes and principles of the United Nations Charter and with other generally accepted norms of international law.

Nothing in this Convention shall affect the rights and obligations of States under other international treaties relating to its subject.





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